

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-12005-2019 (O&M)
Date of Decision: 26.11.2019

Ajit Singh & others

--Petitioners

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Deepak Vashisth, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

The instant writ petition has been filed seeking a Mandamus for directing the respondent-Nigam to pay to the petitioners adequate compensation on account of death of Chintu, which as per petitioners was caused on account of electrocution.

Petitioners herein are the parents as also brother of the deceased.

Counsel has been heard at length and pleadings on record have been perused.

The case projected on behalf of the petitioners is that on 8.9.2018 Chintu, who was a student of 12th standard had gone to the fields at about 9 AM to take *Jawar*. It is averred that when he went inside a *Kotha* built on the fields, he came in contact with a live wire and as such, was electrocuted.

Counsel submits that a DDR was recorded on the same day i.e. on 8.9.2018. The Post Mortem Report at Annexure P-3 has been adverted to and in which in the column relating to “**information furnished by police**”, it has been recorded that death is on account of electric shock.

Reliance has also been placed upon the report dated 17.12.2018 by the

Regional Forensic Science Laboratory, Rohtak and wherein it has been opined that no common poison could be detected. It is urged by counsel that the death was, as such, only on account of electrocution and it was the negligence of the respondent-Nigam which had led to the unfortunate occurrence of Chintu coming in contact with the live wire and which resulted in his death.

In the considered view of this Court, the instant writ petition raises questions of fact. The Post Mortem Report at Annexure P-3 and the report of the Regional Forensic Science Laboratory, Rohtak at Annexure P-6 cannot be construed as clinching evidence towards the cause of death of Chintu. Even perusal of the DDR dated 8.9.2018 at Annexure P-1 which was recorded at the instance of petitioner no.1 i.e. the father of the deceased would make it clear that the father was not an eye witness of the occurrence. He had reached the spot subsequently.

It is a case where the petitioners would have to lead evidence to conclusively prove that death of Chintu had occurred on account of electrocution as also case of negligence at the hands of respondent-Nigam. These are issues which cannot be gone into by this Court in exercise of its writ jurisdiction.

In view of the above and while declining to interfere in the matter, writ petition is disposed of by granting liberty to the petitioners to avail of their alternate remedies, if, so advised and as may be available in accordance with law.

It is, however, clarified that this Court has not opined on the merits of the case.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

26.11.2019

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No