

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.A. No.456 of 2016

Chief Executive Officer, Central, Appellants
Electricity of Odisha and others

Mr. S.C. Dash, Advocate

-versus-

Pratima Dash and others Respondents
None

CORAM:
THE CHIEF JUSTICE
JUSTICE CHITTARANJAN DASH

ORDER
11.10.2022

Order No.

02. 1. The challenge in the present writ appeal is to an order dated 10th August 2016, passed by the learned Single Judge disposing of the W.P.(C) No.4908 of 2011 filed by the Respondents seeking compensation from the Appellant of a sum of Rs.10Lakhs for the death of one Bharat Dash, the husband of Respondent No.1 and the father of Respondent Nos.2 and 3 due to electrocution.
2. The facts were that on 2nd August, 2008 while the husband of Respondent No.1 was taking his cattle, he came into contact with a live electric wire which had snapped from the pole of the village road of Palapatna, as a result of which he fell down. The villagers took him to the nearest medical centre for treatment but he was

declared brought dead. Thereafter, an inquest was conducted and a report was submitted indicating that the cause of the death due to electric shock.

3. The learned Single Judge, following the decision in ***T. Bimala v. Cuttack Municipal Corporation 2015 (I) OLR-637*** and certain other decisions, directed that as an interim compensation, the Appellant should pay the Respondents herein Rs.2 Lakhs within two months and left it to the Respondents to work out the remedies in other appropriate fora for further compensation.

4. As it transpires having filed the present appeal, the Appellant presumed that there was an automatic stay of the impugned order and has not made payment of even a single rupee to the Respondents till date. It must be mentioned here that there is no interim order staying the impugned order of the learned Single Judge till date. In fact, the appeal got listed today in its usual turn. Be that as it may, the Court finds that the learned Single Judge has balanced equities and while only granting some minimum interim reliefs to the Respondents in the circumstances outlined hereinbefore, relegated them to other appropriate remedies in accordance with law.

5. Having heard learned counsel appearing for the Appellant, the Court is not satisfied that any case has been made out for interference with the impugned order of the learned Single Judge.

6. Accordingly, the writ appeal is dismissed.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S. Behera

