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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 23534 of 2016
Date of Decision: 25.03.2022

Punjab State Power Corporation Limited and others

-Petitioners

Versus

Permanent Lok Adalat and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mukul Aggarwal, Advocate,
for the petitioners.

Mr. Abhinav Jain, Advocate,
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioners have assailed the order dated 02.06.2016 passed by Permanent Lok Adalat (Public Utility Services), Moga vide which the amount of compensation to the tune of Rs.1,50,000/- has been awarded in favour of respondent No.2.

Respondent No.2 filed a petition under Section 22-C of Legal Services Authorities Act, 1987 for recovery of an amount of Rs.5,90,000/- on account of death of animals by burning and towards negligence, harassment and mental tension caused to respondent No.2.

Respondent No.2 was doing dairy farming and had kept animals in a portion/wooden shed adjoining to his house. On 08.05.2015, respondent No.2 had gone to Moga for purchasing household articles and cattle feed. At about 2.30 PM, Jasbir Singh informed him telephonically that due to electric spark from a pole, remainder of wheat crop of Gurcharan Singh kept for preparing toori kept fire and also his wooden verandah. Thereafter, respondent No.2 rushed down to the place and found that seven animals were burnt due to fire. One buffalo 6 years old, one cow H&F and one female calf 3 months old were found dead due to burn injuries. One more animal also died on 11.05.2015 due to burn injuries. Three animals were treated. Respondent No.2 claimed that he had spent an amount of Rs.10,000/- towards treatment and the animals have not recovered so far and still there are remote chances of their recovery. The incident was widely covered by electric media as well. The occurrence of fire was witnessed by Jagir Singh, Kulwant Singh, Balwinder Singh and many other persons of the village. The police also investigated the occurrence by recording statements of different witnesses and had also prepared site plan of the place of occurrence.

The Permanent Lok Adalat partly accepted the claim of respondent No.2 by awarding an amount of Rs.1,50,000/-.

Learned counsel for the petitioners very vehemently argued that the sparking from a pole cannot travel such a distance of 170 meters to cause fire to a wooden verandah.

Learned counsel for the petitioners also referred to report of surveyor of the Corporation, Ex.R4 to contend that the version was negated and the occurrence did not take place in the manner as suggested by respondent No.2. Respondent No.2 has adduced evidence by way of his own affidavit Ex.A1, detailing the incident. The version of respondent No.2 was further corroborated by way of affidavit of Balwinder Singh son of Kartar Singh, Ex.A2, affidavit of Kulwant Singh son of Gulzara Singh, Ex.A3, affidavit of Lovedeep Singh Sarpanch Gram Panchayat Salina, Ex.A4, copy of letter dated 08.05.2015 written by Malkiat Singh, ASI Police Station Sadar Moga to Senior Medical Officer, Ex.A5, copy of DDR, Ex.A6, statement of respondent No.2 to the police, Ex.A7, statement of Kulwant Singh, Ex.A8, statement of Balwinder Singh, Ex.A9 and sketch plan prepared by the police, Ex.A10.

On the basis of aforesaid material, the Court disbelieved the stand of the petitioners.

The solitary contention of learned counsel for the petitioners is that the fire incident cannot be presumed as the electric pole was of less intensity and sparking cannot travel

such a distance of 170 meters and cause fire to a wooden verandah.

The Permanent Lok Adalat has considered the controversy on the basis of preponderance of probability/evidence. The oral testimonies of witnesses suggested that the fire incident had taken place, death of cattles has been proved by way of post-mortem report of the cattles. The Police has also investigated the case.

Since, the occurrence had taken place in the month of May, when the weather conditions used to be very hot and hot wind used to be in full flow. In such an environment, sparking from electric pole may take place due to loosening of brackets of electric pole on account of hot winds. In such a situation, sparking from a pole may go for a considerable distance even beyond 170 meters. Catching of fire by remainder of wheat crop kept for preparing toori was not impossible and it happens after harvesting season. Hot weather used to aggravate the situation to the maximum.

In my considered opinion, the indulgence granted by the Permanent Lok Adalat for grant of compensation to respondent No.1 is on lawful criteria and is not liable to be interfered with.

Learned counsel for the petitioners does not press the ground on which notice of motion was issued. He very fairly submits that Section 4 of the Repealing and Amending Act, 2015 (No.17 of 2015) does not support the case of the petitioners and therefore, he does not press this ground, except to press on the points which have been considered by this Court.

I do not find it to be a fit case for interference.

Dismissed.

25.03.2022

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No