

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

132

CWP-16731-2023
Date of Decision: 03.08.2023

NIRMALA DEVI AND ANR

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Yesh Paul Malik, Advocate
for the petitioners.

Mr. Pankaj Mulwani, DAG, Haryana.

Mr. Vivek Saini, Advocate
for respondents No.2 and 3.

VINOD S. BHARDWAJ, J. (ORAL)

The present petition has been filed for seeking issuance of directions to the respondents to make the payment of Rs.20,00,000/- as compensation on account of death of their son (Aman aged 20 years) due to electrocution.

The petitioners contend that Smt. Rajpati (mother of petitioner No.1) had got installed an electricity connection in the house. The petitioners used to pay the electricity Bills as Smt. Rajpati was old and bed-ridden.

Learned counsel for the petitioner contends that on 18.03.2022 deceased Aman had gone to operate an electric motor installed in the house in order to cut the grass for cattle. When Aman started to operate the motor by pushing the switch, he came in contact with the current and fell down on the ground. He was taken to hospital, where he was declared dead on account of

electric current (electrocution). Postmortem was also conducted on the body of the deceased as per which, the cause of death is “due to electrocution”. It is further averred that the deceased Aman had died due to negligence on the part of the respondents and as such, they are liable to pay compensation to the petitioners. The petitioners approached the Authorities but could not get any relief. Finally, the petitioners filed a CWP No.26083-2022 for redressal of their grievance, however, the same was withdrawn by the counsel for the petitioners owing to the fact that legal notice/demand notice was never served upon the respondents. Pursuant thereto, the petitioners got served a legal notice dated 11.02.2023 (Annexure P-10) to the competent Authority i.e. respondents No.1 and 2 followed by a reminder dated 02.05.2023 (Annexure P-11), but no action has been taken thereupon till date. Hence, the present petition has been filed.

Notice of motion.

Mr. Pankaj Mulwani, DAG, Haryana accepts notice on behalf of respondent No.1 and Mr. Vivek Saini, Advocate, Haryana accepts notice on behalf of respondents No.2 and 3. They pray for some time to complete instructions and file response, if necessary.

Learned counsel for the petitioner, however, submits that at this juncture, the petitioners would be satisfied if the respondent No.3 – S.D.O. (Op) Uttri Haryana Bijli Vitran Nigam Ltd., Sub-Division Madlouda, District Panipat is directed to consider and decide the legal notice dated 11.02.2023 (Annexure P-10) by passing a speaking and reasoned order in a time bound manner.

Counsel for respondent Nos.2 and 3 disputes the entitlement of the petitioners to claim compensation as there is no *prima facie* negligence of the Distribution Licensee. He, however, has no objection to the prayer made by

learned counsel for the petitioners to consider the representation and pass an order thereupon.

Accordingly, with the consent of the parties and without commenting on the merits of the case, the present petition is hereby disposed of with a direction to respondent No.3 to consider and decide the legal notice dated 11.02.2023 (Annexure P-10) in a time bound manner and preferably within a period four months from the date of receipt of certified copy of this Order, after affording an opportunity of hearing to the respective parties.

Needless to mention that if upon consideration of the above mentioned legal notice, the petitioners are found entitled to any compensation, then the amount of compensation shall be disbursed to the petitioners within a further period of two months.

AUGUST 03, 2023
rajender

(VINOD S. BHARDWAJ)
JUDGE

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