

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

108

CWP-4019-2024
Date of Decision: 22.02.2024

ANITA AND OTHERS

... Petitioners

VERSUS

DAKSHIN HARYANA BIJLI VITRAN NIGAM

... Respondent

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

Present: Mr. Rakesh Dhiman, Advocate for the petitioners.

Mr. Vivek Saini, Advocate for the respondent.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer in the present petition is for seeking compensation on account of death of Kamal Singh, who died on 17.04.2016 due to electrocution.

Learned counsel for the petitioners contends that on the aforesaid date, deceased Kamal Singh was taking bath outside his house. The loop live current wire on the upper side, coming from one pole of the electricity department and going to the next pole, caused electrocution resulting in death of Kamal Singh. The counsel for the petitioners makes a reference to the DDR as well as the postmortem report to demonstrate the cause of death. He further contends that deceased was 44 years of age at the time of death and was a Driver by profession. It is further contended that the petitioners had preferred an application before the Permanent Lok Adalat (Public Utility Services), Gurugram for grant of compensation, however, the same was withdrawn on 04.05.2023 with liberty to approach an appropriate Forum/Court having competent jurisdiction to adjudicate upon the said issue.

A further prayer is made that the respondent-Department has notified a policy dated 22.02.2017 and that the claim of the petitioners for grant of compensation may be considered under the said policy.

Counsel appearing on behalf of the respondent-Distribution Licensee, however, contends that the incident in question is of 17.04.2016 and the policy was notified only on 22.02.2017. The said policy came into force w.e.f. the date of publication of its notification. He further contends that the issue as regards the quantification of compensation, the aspect of negligence on the part of the respondent-Distribution Licensee as well as the apportionment of compensation are disputed question of facts which cannot be gone into by this Court.

In view of the abovesaid objections, counsel for the petitioners seeks withdrawal of the present writ petition so as to take recourse to an appropriate remedy in accordance with law.

Disposed of as withdrawn with the liberty as aforesaid.

Needless to mention that in the event of the petitioners approaching the Civil Court or any other Court or Forum of competent jurisdiction for seeking redressal of their grievances, the period during the proceedings remained pending before the Permanent Lok Adalat as well as before this Court shall be taken into consideration for the purpose of computing the limitation.

FEBRUARY 22, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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