IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

213

CWP-26281-2018 (O&M)
Date of decision: 28.10.2024

Raveena ...Petitioner

VERSUS

Dakshin Haryana Bijli Vitran Nigam and others ...Respondents

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

Present: Mr. Parveen Kumar, Advocate for
Mr. Abhimanyu Singh, Advocate for the petitioner.

Mr. R.D. Bawa, Advocate;
Mr. Rishabh Rana, Advocate;
Mr. Randhir Bawa, Advocate for the respondents.

*****

VINOD S. BHARDWAJ, J. (Oral)

1. Prayer in the present petition is for directing the respondents to grant adequate compensation to the petitioner for injuries sustained by her due to alleged negligence of respondent-Distribution Licensee.

2. Learned counsel for the petitioner contends that the petitioner is resident of H. No.154, Ward No.4, Haily Mandi, Tehsil Pataudi Gurugram. 11 KV high tension electric wires were going nearby the balcony of her house, which was objected by the father of the petitioner time and again and numerous requests were made to the respondent-Distribution Licensee for removing the said wires as per rules. For the said purpose, representations dated 07.12.2001, 15.10.2005, 07.01.2010 and 30.11.2013 were given by the father of the petitioner to the respondent-Distribution Licensee to remove/shift the electric wires away from her house but the authority did not do the needful. On 09.12.2015, when the petitioner was standing in the

MANGAL SINGH
2024.11.05 13:40
I attest to the accuracy and
integrity of this document

balcony of her house, 11 KV high tension electric line touched the grills/railing of the house due to which she sustained injuries on account of electrocution and the left forearm of the petitioner was amputated upto elbow level and her right forearm was burnt very badly. The petitioner is now 70% disabled, the copy of disability certificate is annexed with the present petition as Annexure P-5.

3. Learned counsel for the petitioner further submits that the petitioner is a school-going girl and due to the negligence on the part of the respondent-Distribution Licensee, she has lost her left arm and received electric burn injury on the right forearm. Due to said injuries and amputation, the petitioner is not able to write anything from her right arm and her career has come to an end. Learned counsel for the petitioner contends that a similar controversy came up before this Court in **CWP-12894-2023** titled as **Deepak Sharma and another Vs. State of Haryana and others**, which was disposed of vide order dated 09.05.2024 granting an interim compensation and liberty to the petitioners-claimants thereof to pursue for any further relief before a competent Court.

4. Learned counsel appearing on behalf of the respondents, however, contends that there is dispute with respect to the manner in which the accident in question took place and that such disputed questions of facts cannot be gone into by this Court. He further contends that there was no negligence on the part of the respondent-Distribution Licensee and that the accident in question has apparently happened on account of negligence of the petitioner herself. Hence, the respondent-Distribution Licensee cannot be

MANGAL SINGH
2024.11.05 13:40
I attest to the accuracy and
integrity of this document

held liable to pay compensation. He however is not in a position to controvert that the judgment relied upon by the petitioner would be applicable to the case in so far as the legal principles is concerned.

5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.

6. Since the legal principles are disputed and the only factual difference is that **Deepak Sharma and another's** case **(supra)** was that of death whereas the present case pertains to permanent disability to the extent of 70%, the present writ petition is **disposed of** in terms of the aforesaid order dated **09.05.2024** passed in the matter of **Deepak Sharma and another (supra)** without going further into the merits of the matter.

7. Taking into consideration that the present case relates to injuries and permanent disability to the extent of 70% suffered on account of electrocution, it is deemed appropriate that an interim compensation of Rs.3 lakhs be released in favour of the petitioner. In the event of filing a claim petition before a Civil Court for compensation, the above amount shall remain protected and set-off in case a higher compensation is awarded. Besides, the period spent in pursuing present remedy shall be taken into consideration while computing limitation.

8. **Ordered accordingly.**

(VINOD S. BHARDWAJ)
JUDGE

28.10.2024
Mangal Singh

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

MANGAL SINGH
2024.11.05 13:40
I attest to the accuracy and
integrity of this document