



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

112

CWP-34195-2024 (O&M)

Date of decision: 18.12.2024

Rekha Devi and another

...Petitioners

VERSUS

State of Haryana and others

...Respondents

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

Present :- Mr. Yashveer Kharb, Advocate for the petitioners.

Mr. Vivek Saini, Advocate for respondents No.2 to 5.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 18.04.2024 passed by respondent No.3 whereby the claim of the petitioners was dismissed on the grounds that the accident occurred due to negligence on the part of the deceased.

2. Learned counsel for the petitioners contends that Ram Kishore (since deceased) was working as labourer and the petitioners were completely dependent on the earnings of the deceased. Petitioner No.1 is wife and petitioner No.2 is son of the deceased. He contends that on 16.07.2023, Ram Kishore while doing the construction work i.e. shuttering of stairs to put lentil on the roof of the house of one Rinku Aggarwal, an iron bar touched the naked electricity wire passing through the front of the house where the construction work was going on, and Ram Kishore fell down due to electric shock. He was taken to the hospital where the Doctors declared him brought dead. Reference is made to the DDR as well as the Postmortem



report that have been appended. He further contends that a legal notice dated 23.08.2023 (Annexure P-4) had been served by the petitioners upon the respondents but no action was taken by them on the said legal notice. Aggrieved of the conduct of the respondents, the petitioner have earlier approached this Court by filing CWP-22661-2023, which was disposed of with a direction to the respondents to decide the said legal notice vide order dated 09.10.2023. Thereafter, respondents No.3 has wrongly dismissed the claim of the petitioners by passing the order dated 18.04.2024 impugned herein.

3. 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 respondents No. 2 to 5, 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 deceased himself, while doing the construction work, where extra precaution must be taken. Hence, the respondent-Distribution Licensee cannot be held liable to pay compensation.



5. I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents available on record.
6. Accordingly, without going further into the merits of the matter, the present writ petition is **disposed of being partly allowed** in terms of the aforesaid order dated **09.05.2024** passed in the matter of **Deepak Sharma and another (supra)**.
7. Learned counsel for the petitioner contends that the interim compensation as awarded in the said case be granted in favour of the petitioners. Accordingly, an interim compensation of Rs.5 lakhs be released in favour of the petitioners to the extent of 50 % each.
8. **Ordered accordingly.**

18.12.2024
Mangal Singh

(VINOD S. BHARDWAJ)
JUDGE

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