CGHC010277512025 2026:CGHC:46714-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

SAIFAN KHAN Digitally signed by SAIFAN KHAN

Judgment reserved on: 15-10-2026

Judgment delivered on: 04-11-2026

Judgment (Full) uploaded on: 04-11-2026

FA No. 151 of 2025

{Arising out of judgment and decree dated 5-3-2025 in Civil Suit No.H 09 B/2023 of the Principal District Judge, Mahasamund}

1 - Shri Parmanand Pradhan S/o Shri Mahadev Pradhan Aged About 49 Years Caste - Kolta, R/o Village - Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh, (Claimants)

2 - Shri Gupteshwar Pradhan S/o Shri Parmanand Pradhan Aged About 26 Years Caste - Kolta, R/o Village - Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh

3 - Shri Rajendra Pradhan S/o Shri Parmanand Pradhan Aged About 27 Years Caste - Kolta, R/o Village - Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh

(Plaintiffs)

... Appellants

Versus

1 - Shri Bhojkumar Patel S/o Late Benulal Patel Aged About 47 Years Caste - Aghariya, R/o Village - Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh

2 - Smt. Sadkunwar Patel W/o Late Venulal Patel Aged About 67 Years Caste - Aghariya, R/o Village - Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh

3 - Shri Junior Engineer Chhattisgarh State Electricity Distribution Company Maryadit, Pirda, P.S. - Basna, Tahsil - Pithora, District - Mahasamund, Chhattisgarh

4 - Executive Engineer (S/ S) Division Chhattisgarh State Electricity Distribution Company Maryadit, Division Mahasamund, District - Mahasamund, Chhattisgarh

(Defendants)

... Respondents

For Appellants	:	Mr. A.L. Singroul, Advocate.
For Respondents No.1 & 2	:	Mr. Sudhir Kumar Shyam, Advocate on behalf of Mr. Pushpendra Kumar Patel, Advocate.
For Respondents No.3 & 4	:	Mr. Raja Sharma and Miss Aditi Parakh, Advocates.

Division Bench: -
Hon'ble Shri Parth Prateem Sahu and
Hon'ble Smt. Sushma Sawant, JJ.

C.A.V. Judgment

Sushma Sawant, J.

1. Invoking the appellate jurisdiction of this Court under **Section 96** of the **Code of Civil Procedure, 1908**, the appellants/plaintiffs, being the **husband** and **sons** of deceased **Kanchan Pradhan**, have preferred the present appeal against the judgment and decree dated **05-03-2025** passed by the learned Principal District Judge, Mahasamund (Presiding Officer Smt. Anita Dahariya), in **Civil Suit No. H 09 B/2023, Shri Parmanand Pradhan and two others v. Shri Bhojkumar Patel and three others**, whereby compensation of **₹4,50,000/-** was awarded on account of her death due to electrocution. The appellants/plaintiff seek enhancement of the compensation.

   Note: It is clarified that the reference in the memo of appeal to an application under Section 22 of the Employees' Compensation Act, 1923, is erroneous. The application filed by the

appellants/plaintiffs was for compensation on account of the death of Kanchan Pradhan **due to electrocution**. The present appeal is confined to enhancement of the compensation awarded by the learned Court below.

2. The aforesaid challenge has been made on the following factual backdrop: -

(For the sake of convenience, parties hereinafter will be referred as per their status shown and ranking given in the civil suit before the trial Court.)

Factual Matrix

-: Case of the Appellants/plaintiffs before the Trial Court :-

3. The case of the appellants/plaintiffs before the learned trial Court was that they had filed a plaint claiming compensation of **₹23,36,000/-** against the respondents/defendants on account of the death of **Smt. Kanchan Pradhan,** alleging that her death occurred due to electrocution as a result of the negligence of the defendants. It was pleaded that on **11-07-2021**, deceased-**Kanchan Pradhan** alongwith Smt. Anusuiya Pradhan were working as an agricultural labourer in a field situated at **Village**-Pithora, **Police Station** - Basna, **Tahsil -**Pithora, **District** - Mahasamund (Chhattisgarh). At the relevant time, the agricultural field was surrounded by barbed-wire fencing for protection of crops. An electric connection bearing **Service Connection No. 1002584969** had been obtained for an

agricultural pump installed in the field, which was being used by defendant No.1 for agricultural purposes.

4. According to the appellants/plaintiffs, **due to the negligence of the defendants** in maintaining the electrical installation and ensuring the safety of the fencing, electric current passed into the barbed-wire fencing. Consequently, the deceased came into contact with the electrified wire, suffered an electric shock and died. It was alleged that the incident occurred due to the failure of the defendants to take adequate precautions and maintain the electrical connection and fencing in a safe condition. It was further pleaded that, in connection with the incident, a report was lodged at Police Station Basna, pursuant to which **Crime No.396/2021** was registered against **defendant Nos.1 and 2** for the offence punishable under **Section 304A** of the **Indian Penal Code**. After investigation, the police submitted a charge-sheet before the Court of Judicial Magistrate First Class, Basna.

5. The appellants/plaintiffs further contended that the deceased was a healthy and hardworking woman who **earned approximately ₹300/-** per day by working as an agricultural labourer and was also responsible for the maintenance, care and welfare of her family. On account of her untimely death, the family was deprived of her income, support, care and affection, causing substantial financial loss and mental agony. On the basis of the aforesaid pleadings, the appellants/plaintiffs claimed compensation of ₹23,36,000/- under the following heads:

(i)	Loss of income and dependency of the deceased	₹ 18,36,000/-
(ii)	Compensation towards mental and physical suffering of plaintiff No.1 – husband	₹ 2,00,000/-
(iii)	Compensation for deprivation of maternal love and affection suffered by plaintiff Nos.2 and 3 – daughter and son	₹ 2,00,000/-
(iv)	Expenses incurred towards the funeral and last rites of the deceased	₹ 1,00,000/-
	Total	**₹ 23,36,000/-**

-:Written Statement of Respondents No.1 & 2/Defendants No.1 & 2 before the Trial Court:-

6. Defendants No.1 & 2 filed their written statement denying the material allegations made in the plaint and disputing their liability to pay compensation. They have contended that they were neither jointly nor severally responsible for the death of the deceased. It was specifically denied that any accident had occurred due to the electric connection bearing Service **Connection No.1002584969.** They have further contended that police report had been lodged falsely with the intention of extracting compensation from them. On these grounds, they have contended that the appellants /plaintiffs were not entitled for any relief and prayed for dismissal of the application.

-:Written Statement of Respondents No.3 & 4/Defendants No.3 & 4 before the Trial Court:-

7. Defendants No.3 & 4, in their written statement, pleaded that the electricity connection bearing Service Connection No.1002584969 stood in the name of defendant No.2 and was being used by defendant No.1. They have further pleaded that defendant No.1 had failed to properly maintain the electrical

installation and had been negligent in ensuring the safety of the barbed-wire fencing installed around the agricultural field. According to their defence, electric current passed into the fencing due to such negligence, resulting in the death of **Smt. Kanchan Pradhan**. They have also pleaded that only defendants No.1 & 2 are responsible for the said accident against whom a report was lodged at Police Station Basna and the plaintiffs have to prove their case by leading legal evidence of the witnesses. They denied the allegations levelled against them to the extent stated in the pleadings and disputed the claim for compensation.

-:Proceedings before learned Trial Court :-

8. The Trial Court after appreciating oral and documentary evidence available on record, framed following issue and answered the issue as under:-

S.No.	Question for Consideration	Finding
1.	क्या घटना दिनाँक 11-07-2021 को ग्राम पिरदा थाना बसना तहसील पिथौरा जिला महासमुन्द स्थित घटनास्थल खेत, जिसमें सुरक्षार्थ कंटीला तार व फेंसिंग लगा है, जिसे खेती कार्य हेतु प्रतिवादी क्रं. 01 एवं 02 फेंसिंग निष्कर्षतार में विद्युत कनेक्शन लगाकर उपयोग में लाते हैं, जो विद्युत कनेक्शन को अत्यन्त उपेक्षापूर्वक बिना रखरखाव के कांटा तार में विद्युत प्रवाहित करने से, उसके सम्पर्क में आकर कंचन प्रधान की विद्युत करेंट से मृत्यु हुई ?	"विद्युत करेन्ट लगने से कंचन प्रधान की मृत्यु होना प्रमाणित, जिसमें प्रतिवादीगण की लापरवाही थी ।"
2.	क्या वादीगण मृतका कंचन प्रधान की विद्युत घात से मृत्यु के कारण क्षतिपूर्ति राशि प्रतिवादीगण से	"वादीगण, प्रतिवादीगण से संयुक्त

	पृथक-पृथक या संयुक्त रूप से पाने के अधिकारी हैं ? यदि हाँ तो किससे एवं कितना ?	एवं पृथक-पृथक दायित्व में **4,50,000/-** रूपये प्राप्त करने के अधिकारी हैं ।"
3.	अनुतोष एवं वाद व्यय ?	"कण्डिका-25 में पारित डिक्री अनुसार"

-:Details of evidence and documents available before the Trial Court:-

-:Evidence led by the appellants/plaintiffs:-

9. Before the Trial Court, **Gupteshwar Pradhan (PW-1), Luxmi Patra (PW-2)** and **Kuleshwar Kumar (PW-3)** have been examined on behalf of the **appellants/plaintiff**. In support of his oral testimony, appellants/plaintiffs have exhibited 28 documents as **Exs.P-1 to P-28**.

Evidence led by the respondents/defendants :-

10. On behalf of defendant Nos. 1 and 2, **Bhoj Kumar Patel (DW-1)** & **Surendra Kumar Patel (DW-2)** were examined. However, no documentary evidence was adduced by them. Defendant Nos. 3 and 4 neither examined any witness nor adduced any documentary evidence in support of their defence.

-:Judgment and findings of the trial Court:-

11. After conclusion of the trial, vide the impugned judgment and decree, the learned Court below partly allowed the suit and

awarded a total compensation of **₹4,50,000/-** to the appellants/plaintiffs along with interest at the rate of 9% per annum. Being aggrieved by the judgment and decree passed by the learned trial Court, the appellants/plaintiffs have approached this Court by way of the present appeal, on the following grounds : -

(i) The learned Principal District Judge has awarded very less amount of compensation, hence the same is liable to be enhanced.

(ii) The award dated 5-3-2025 is partly bad in law as well as on facts available on record.

(iii) The learned Principal District Judge has directed to pay 50% 50% of the awarded compensation amount fastened upon the owner and CSEB which is wrongly find out fastened upon the owner, because as per 4.6 of Chapter-4 Electricity Apurty Act, CSEB is whole responsible pay any compensation and hence CSEB is liable to pay whole the compensation amount.

(iv) The appellants/plaintiffs have examined the witnesses and they have proved the case of the appellants/plaintiffs therefore the learned Principal District Judge ought to have awarded the entire claimed amount.

(v) The learned Principal District Judge has wrongly assessed the income of the deceased and also 40% future prospectus which is violation of the Employee’s Compensation Act.

(vi) The learned Principal District Judge has wrongly applied the multiplier.

(vii) The learned Principal District Judge has committed grave legal error in holding that the deceased used to earn ₹ 9,000/- per month. It ought to have assessed income of the deceased ₹ 4,50,000/- as lump-sum in the impugned award dated 5-3-2025 as she was working as labour as per Schedule-B of the State Government and the learned Trial Court has also flailed to see that the incident took place in the year 2021 and for that year, the minimum wages fixed by the State Government was ₹ 9,000/- as per Schedule-B and 25% future prospectus has been considered before the learned Trial Court in view of the judgment reported in **National Insurance Company Ltd. v. Pranay Sethi**[1].

(viii) The learned Principal District Judge has committed grave error in not considering the mental difficulties and irreparable loss of the appellants at the time of passing award.

(ix) The learned Principal District Judge has not appreciated the oral and documentary evidence available on record in its true perspective and passed the erroneous award.

(x) The learned Principal District Judge has wrongly assessed the interest of 10% whereas it should be 12%.

(xi) The learned Principal District Judge has awarded very less compensation amount of ₹ 4,50,000/-, but ignoring this facts

[1] (2017) 16 SCC 680

while passing impugned award dated 5-3-2025, hence the said claim should be awarded as per Sections 3 and 4(a) of the Employee's Compensation Act.

12. We have heard learned counsel for the parties and perused the impugned judgment & decree as well as the record of the Trial Court.

-:Arguments of the Appellants/Plaintiffs:-

13. Learned counsel for the appellants/plaintiffs, in support of the appeal, has advanced detailed arguments in terms of the grounds raised in the memo of appeal and has mainly questioned the quantum of compensation awarded by the learned Court below. It is contended that the learned Trial Court, while determining the compensation, has ignored the settled principles governing the assessment of compensation and has awarded an exceptionally inadequate amount. It is further contended that, for the purpose of assessing the income of the deceased woman, the learned Trial Court ought to have taken into consideration the applicable minimum wages instead of adopting an unreasonably low assessment of her income. Accordingly, it is submitted that the impugned judgment and decree, to the extent of determination of compensation, deserves to be modified by enhancing the compensation payable to the appellants/plaintiffs.

-:Arguments of the Respondents/Defendants:-

14. Learned counsel for the **respondents/defendants,** while supporting the impugned judgment and decree, has submitted

that the learned Trial Court has rightly assessed the compensation on the basis of the evidence and material available on record. It is contended that the appellants/plaintiffs have failed to establish any ground warranting interference with the quantum of compensation awarded by the learned Trial Court. It is further submitted that the compensation awarded, along with interest at the rate of 9% per annum, is just and proper and does not call for any enhancement. Accordingly, it is prayed that the appeal, being devoid of merit, deserves to be dismissed and the impugned judgment and decree be affirmed.

-:Analysis of the Appellate Court :-

15. The appellants/plaintiffs, during the course of arguments, confined their submissions primarily to the quantum of compensation awarded by the learned trial Court. The learned trial Court, relying upon the compensation determined in **Om Prakash Sahu v. Chhattisgarh State and Others, 2022 (2) HCCD 825 (CG)**, awarded a **lump-sum compensation of ₹4,50,000/-** in the present case as well, without independently examining the evidence and material available on record.

16. It is pertinent to mention that the Hon'ble Supreme Court, in ***Karnataka Power Transmission Corporation Limited v. Rekha and Others*, 2026 SCC OnLine SC 1545**, relying upon the decisions in ***Raman v. Uttar Haryana Bijli Vitran Nigam Ltd.*, (2014) 15 SCC 1**, and ***Balram Prasad v. Kunal Saha*, (2014) 1 SCC 384,** has reiterated that

compensation must be determined by applying the overarching principle of awarding just, fair and reasonable compensation, having regard to the proven income and the relevant facts established before the competent forum.

17. A perusal of the impugned judgment reveals that the learned trial Court determined the compensation at a lump sum without independently examining the evidence and material available on record or considering the other relevant factors. It was, therefore, necessary for the learned trial Court to assess what would constitute just, fair and reasonable compensation for the death of **deceased Kanchan Pradhan**, having regard to the facts and evidence of the present case.

18. In view of the aforesaid principle laid down by the Hon'ble Supreme Court, the income of the deceased is required to be assessed on the basis of the oral and documentary evidence adduced by the parties. However, determination of compensation does not rest merely upon assessment of the income of the deceased. Other relevant factors, such as loss of dependency, deduction towards personal and living expenses and future prospects also require consideration.

19. Since no specific uniform formula has been prescribed for determining compensation in electrocution cases, **it is necessary to adopt consistent and well-recognized principles for assessing these components so as to ensure uniformity and avoid arbitrary determination of**

compensation. In this regard, the principles laid down by the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation*, (2009) 6 SCC 121 and *National Insurance Company Limited v. Pranay Sethi*, (2017) 16 SCC 680** provide a reasonable and workable basis for such assessment.

20. Accordingly, this Court considers it appropriate to follow the aforesaid principles as guiding principles, with due regard to the facts and evidence of the present case, while determining **just, fair and reasonable** compensation, without mechanically importing the statutory formula under the Motor Vehicles Act, 1988.

21. For the purpose of determining just, fair and reasonable compensation in the present case, this Court considers it appropriate to adopt the following guiding principles:

Particulars	Principles to be followed
Income	Assessment on the basis of the available oral and documentary evidence
Future prospects	Principles laid down in *Pranay Sethi*
Just, fair and reasonable compensation	Principles laid down in *Sarla Verma*

Age of Deceased Kanchan Pradhan :-

22. At the outset, while considering the income of the deceased **Kanchan Pradhan** , it is necessary to determine her age, as the same is relevant for assessing the appropriate multiplier. In the plaint, the age of deceased **Kanchan Pradhan** has been stated to be between **45 years**. Her age is also recorded as **45 years** in the Merg Intimation **Ex.P-5**, the Inquest Report **Ex.P-13** and the

Post-mortem Report **Ex.P-20**. However, no documentary evidence establishing her actual age has been produced. Even her **husband, Parmanand Pradhan (P.W.-1)**, has not stated anything in his deposition regarding her age. Thus, in the absence of any reliable evidence conclusively establishing her age a**s 45 years**, this Court considers it appropriate to place the deceased in the age group of **46–50 years** for the purpose of determining compensation.

Assessment of Income of the Deceased:-

23. So far as the **income of deceased Kanchan Pradhan** is concerned, her husband, **Parmanand Pradhan (P.W.-1)**, has adduced oral evidence stating that his wife was healthy and hardworking and used to earn **₹300/- per day** by doing labour work. Admittedly, no documentary evidence has been produced to establish her actual income. Nevertheless, the fact that the deceased was a healthy and able-bodied woman cannot be overlooked. Even in the absence of proof of actual earnings, a person contributes to the family through his or her capacity to work and perform various activities.

24. In these circumstances, it would be appropriate to assess her income on the basis of the **minimum wages** prescribed by the Government and applicable on the date of the incident, i.e., **11-07-2021**. Having regard to the applicable rate of minimum wages for an unskilled worker falling under Zone 'C', and in the absence of any evidence to establish that the deceased was

engaged in skilled or semi-skilled work, her monthly income is assessed at ₹9,200/-. Accordingly, her annual income comes to (₹9,200 × 12) = ₹1,10,400/- .

Addition Towards Future Prospects:-

25. It is noteworthy that **deceased Kanchan Pradhan** was neither employed in Government service nor was her income fixed, but was self-employed. Therefore, in view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi and Others*****, (2017) 16 SCC 680**, and having regard to the age of the deceased, falling within the age group of **46 to 50 years**, an addition of **25%** towards future prospects is warranted. The said addition comes to **₹27,600/-** on her annual income of **₹1,10,400/-.** Thus, after adding the aforesaid amount, the annual income of the deceased comes to **₹1,38,000/-**.

Assessment of Loss of Dependency:-

26. Having regard to the number of dependents and in view of the principles laid down by the Hon'ble Supreme Court in ***Smt. Sarla Verma and Others v. Delhi Transport Corporation and Another*****, (2009) 6 SCC 121**, **one-third** of the income, i.e., **₹46,000/-**, is deducted towards the personal and living expenses of the deceased. Consequently, the annual loss of dependency comes to **₹92,000/-**.

27. So far as the applicable multiplier is concerned, the age of the deceased at the time of the accident falls within the **age group**

of 46 to 50 years. Therefore, in accordance with the principles laid down by the Hon'ble Supreme Court in ***Smt. Sarla Verma and Others v. Delhi Transport Corporation and Another*, (2009) 6 SCC 121,** a multiplier of **13** is applicable. Accordingly, the loss of dependency is assessed at **₹11,96,000/-** (₹92,000 × 13), which the appellants/plaintiffs are entitled to receive under this head.

28. In view of the aforesaid assessment, the compensation payable on account of the death of deceased Kanchan Pradhan is determined as follows:

S. No.	Heads of compensation	Calculation	Amount
(i)	Monthly income	—	₹9,200/-
(ii)	Annual income	₹9,200 × 12	₹1,10,400/-
(iii)	Addition towards future prospects (25%)	₹1,10,400 × 25%	₹27,600/-
(iv)	Annual income after addition of future prospects	₹1,10,400 + ₹27,600	₹1,38,000/-
(v)	Deduction towards personal and living expenses (1/3)	₹1,38,000 × 1/3	₹46,000/-
(vi)	Annual loss of dependency	₹1,38,000 – ₹46,000	₹92,000/-
(vii)	Loss of dependency	₹92,000 × 13	₹11,96,000/-
	Total compensation		**₹11,96,000/-**

29. In view of the aforesaid assessment, this Court is of the considered opinion that a total compensation of **₹11,96,000/- (Rupees Eleven Lakh Ninety-Six Thousand only)** would

constitute **just, fair and reasonable** compensation for the death of deceased **Kanchan Pradhan**. Accordingly, the appellants/plaintiffs are entitled to receive the aforesaid amount of compensation.

-:Final Conclusion:-

30. In view of the foregoing discussion and assessment, the appeal deserves to be allowed in part. The impugned judgment and decree dated 05-03-2025 passed by the learned Principal District Judge, Mahasamund, are accordingly modified to the extent that the compensation payable to the appellants/plaintiffs on account of the death of deceased **Kanchan Pradhan** is enhanced from ₹4,50,000/- to ₹11,96,000/- (Rupees Eleven Lakh Ninety-Six Thousand only).

31. The enhanced amount of compensation shall carry interest at the rate of 9% per annum from the date of filing of the claim petition until its realization. Having regard to the nature of the incident, the loss suffered by the claimants and the time elapsed in pursuing the claim, this rate of interest is considered just and reasonable.

32. The liability of the respondents/defendants to satisfy the aforesaid compensation and the manner of its disbursement shall remain governed by the directions contained in the impugned judgment and decree of the learned trial Court, except to the extent modified herein.

33. Accordingly, the **appeal is allowed in part** with the aforesaid modification. The parties shall bear their own costs. A decree be drawn up accordingly.

Sd/-
(Parth Prateem Sahu)
JUDGE

Sd/-
(Sushma Sawant)
JUDGE

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