

(2018) 09 CHH CK 0412

Chhattisgarh High Court

Case No: WA No. 718 Of 2018

Ganeshwari Madhukar

APPELLANT

Vs

Chhattisgarh State Electricity
Distribution Company Limited
And Ors

RESPONDENT

Date of Decision: Sept. 26, 2018

Hon'ble Judges: Ajay Kumar Tripathi, CJ; Parth Prateem Sahu, J

Bench: Division Bench

Advocate: Yogesh Chandra, U.N.S. Deo

Final Decision: Disposed Of

Judgement

Ajay Kumar Tripathi, CJ

1. Appeal has been filed against the order dated 18.07.2018 passed by the learned Single Judge, wherein compensation of Rs. 2 lakhs was granted to the Appellant - the wife of the person who died of electrocution.

2. Since that quantification as above is only a token payment as part of the policy of the Power Holding Company, in so far as enhanced compensation is concerned, since it is tortious action, therefore, the learned Single Judge has given liberty to the Petitioner-cum-Appellant to move a Civil Court of competent jurisdiction.

3. We do not find any infirmity in taking such a view because for actual compensation of enhanced kind many inputs and evidence would be required besides establishing the basic fact that it was death which happened out of negligence of the concerned authority and keeping in view the other factors

and components only Civil Court can finally decide the quantum by taking the earning, the age etc. of the deceased.

4. Learned Counsel for the Appellant produced an order dated 10.01.2014 passed by the learned Single Judge in Writ Petition No.2637 of 2005 where

the Court granted an enhanced compensation of Rs.3,50,000/- applying the principle of strict liability.

5. We do not want to get bound down by such a view taken by the learned Single Judge because that may preclude the claimant from getting a better

compensation on the basis of a declaration by a Civil Court by taking all components, some of which have been talked about in earlier part of the

order. We do not want to restrict the compensation which may accrue to the Appellant in a summary proceeding.

6. The appeal stands disposed off.

7. The Appellant is free to move the Court of competent jurisdiction.