


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 85/2012

1. Satyapal S/o Kishorilal
2. Smt. Roshani Devi W/o Satyapal,
Both R/o Kanhawas, Tehsil Behror, District Alwar
-----Appellants/Claimants

Versus

1. Jaipur Vidyut Vitran Nigam Ltd through Executive Engineer,
Behror, District Alwar.
2. Jaipur Vidyut Vitran Nigam Ltd through Assistant Engineer,
Behror (Alwar).
3. Jaipur Vidyut Vitran Nigam Ltd through Chairman, Jyoti
Nagar, Jaipur
-----Respondent/Non-Claimants

For Appellant(s) : Mr. Parmanand Paliwal, Adv.
For Respondent(s) : Ms. Priyanka Pareek, Dy.GC

HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA

Judgment

DATE OF JUDGMENT :: 11/07/2023

Instant appeal has been preferred by the appellants-claimants (for short 'the claimants') against the judgment and decree dated 02.12.2011 passed by Additional District Judge, Behror (hereinafter referred to as 'learned court below') in Claim Petition (Fatal) No.21/09, whereby the application filed by the claimants for compensation under Fatal Accident Act, 1855 has been dismissed.

Learned counsel for the claimants submits that learned court below has not appreciated the evidence and wrongly dismissed the claim petition filed by the claimants. Learned counsel for the claimants also submits that it is an admitted position that deceased Dinesh Kumar died due to electric current. The

postmortem report as well as oral evidence was led by the claimants also supported the factum of death of Dinesh Kumar. Learned counsel for the claimants also submits that on the principle of "strict liability", it was the duty of the respondents (for short 'non-claimants') to prove that there was no negligence on their part but non-claimants had not submitted any cogent evidence to this effect. Learned counsel for the claimants also submits that as per the evidence, insulator was not put on the wire. So, Dinesh Kumar died due to electrocution. So, appeal filed by the claimants be allowed and order of the learned court below be set aside.

Learned counsel for the non-claimants has opposed the arguments advanced by learned counsel for the claimants and submitted that learned court below rightly came to the conclusion that deceased himself was negligent. So, appeal be dismissed.

I have considered the arguments advanced by learned counsel for the claimants as well as learned counsel for the non-claimants.

It is an admitted position that deceased died due to electrocution but claimants failed to prove that non-claimants were negligent. As per the evidence led by the non-claimants, no electric wire was broken and there was no flow of current in the stag wire and no complaint was ever lodged about negligence of the non-claimants. As per the story, deceased Dinesh Kumar lifted a steel pipe and steel pipe got touched with the electric line and he was electrocuted, so, he died. So, in my considered

opinion, learned court below rightly dismissed the claim petition filed by the claimants. So, the present appeal being devoid of merit, is liable to be dismissed, which stands dismissed accordingly.

Pending application(s), if any, stand(s) disposed of.

(NARENDRA SINGH DHADDHA),J

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