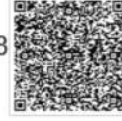




2026:PHHC:004348



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.1752 of 2025 (O&M)

**Haryana Vidyut Parsaran Nigam
Limited & others**

. . . . Appellant

vs

Priyanka & others

. . . . Respondents

Reserved on: January 12, 2026

Pronounced on: January 15, 2026

Pronounced fully/operative part : Fully

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Chhabra, Advocate
for the appellants.

DEEPAK GUPTA, J.

JUDGMENT

The present appeal has been filed by the defendants—Haryana Vidyut Parsaran Nigam Limited and its functionaries, calling in question the judgment and decree dated 29.01.2025 passed by the learned Additional District Judge, Bhiwani, whereby the appeal preferred by the plaintiffs was allowed, the judgment of dismissal recorded by the Trial Court on 20.07.2017 was reversed, and the suit for compensation on account of death of Sita Ram due to electrocution was decreed.

2. The facts giving rise to the litigation are largely undisputed. Sita Ram, husband of plaintiff No.1 and father of plaintiffs No.2 to 4, was engaged in the occupation of a TV cable operator. On 09.09.2012, while repairing cable connections on the rooftop of a residential house in village Govindpura, he suffered electrocution and died on the spot. The occurrence was

witnessed by Jeewan, who was assisting the deceased and who himself suffered an electric shock. The police conducted proceedings under Section 174 CrPC, and the post-mortem examination opined that death was caused due to cardiac arrest resulting from electric current.

3. The plaintiffs instituted a civil suit claiming compensation, asserting that a 132 KV high-voltage transmission line of the defendants was passing over/near the rooftop and was in contact with a tree through which the cable wire was passing, thereby creating a lethal induction zone. The Trial Court, however, dismissed the suit, proceeding on the premise that death could not have occurred due to a 132 KV line and that the possibility of electrocution from domestic current of 240 volts could not be ruled out.

4. In appeal, the learned First Appellate Court undertook a detailed re-appreciation of the entire evidence and reversed the findings of the Trial Court. The appellate court held that the death was attributable to electrocution from the high-voltage transmission line, that statutory duties cast upon the electricity authorities had been breached, and that the defendants were liable to compensate the dependents of the deceased. Compensation was accordingly assessed and awarded.

5. Assailing the said judgment, learned counsel for the appellants has argued that there was no direct contact with the 132 KV line, that no tripping occurred on the date of incident, that the deceased was himself negligent in carrying out cable work beneath an existing transmission line, and that the First Appellate Court erred in upsetting well-reasoned findings of the Trial Court.

6. After hearing learned counsel for the appellants and upon careful perusal of the record, this Court finds no merit in the appeal.

7. At the outset, it is noticed that the factum of death due to electrocution is not in dispute. The only controversy raised by the appellants pertains to the source of electrocution. The Trial Court, while dismissing the suit, ventured into conjecture by observing that had the deceased come in

contact with a 132 KV line, he would have been “burnt alive”. Such an assumption, in the absence of medical or expert evidence, cannot form the basis of a judicial conclusion. Courts are required to decide cases on evidence, not on presumed scientific outcomes.

8. The First Appellate Court has rightly relied upon the testimony of PW5 (Jeewan), an eye-witness, who categorically deposed that both he and the deceased suffered electric shock while repairing the cable on the rooftop and that the transmission line was passing dangerously close. His presence at the spot stands corroborated by his medico-legal examination. The testimony of PW4 (Suresh Chander), the Investigating Officer, further lends credence to the plaintiffs’ version. The site plan prepared during inquest proceedings clearly depicts the proximity of the high-voltage transmission line, the tree touching the line, and the place of occurrence. The post-mortem report and the medical testimony conclusively establish death due to electric current.

9. The defence set up by the appellants that no tripping occurred on the transmission line was examined threadbare by the First Appellate Court and rightly disbelieved. The departmental records produced by the defendants were found to contain unexplained overwriting and discrepancies. Even otherwise, absence of tripping cannot *ipso facto* negate electrocution due to induction from a high-voltage line, particularly when other cogent evidence points towards the hazardous proximity of the line.

10. Electricity is an inherently dangerous commodity. The supplier of electricity is under a statutory and non-delegable duty to ensure that transmission lines are erected and maintained in a manner that does not endanger human life. Section 68 of the Electricity Act, 2003 and Rules 29, 44, 45, 46 and 91 of the Electricity Rules, 1956 cast a clear obligation upon the licensee to maintain safe clearances, remove trees or objects likely to interfere with transmission, and conduct periodic inspections. The evidence on record unmistakably shows that a tree touching or dangerously close to the high-voltage line was allowed to remain, thereby creating a foreseeable risk.

11. The law on the subject is no longer res integra. The Hon'ble Supreme Court in ***M.P. Electricity Board v. Shail Kumari, AIR 2002 SC 551***, has held that where death or injury is caused due to electrocution, the electricity authority is liable under the doctrine of strict liability, irrespective of negligence. The activity of transmission of high-voltage electricity is hazardous by its very nature, and the burden lies heavily upon the authority to demonstrate that no liability is attracted. In the present case, the appellants have failed to discharge that burden.

12. The plea of contributory negligence raised on behalf of the appellants is equally untenable. A person engaged in a lawful occupation on a rooftop cannot be expected to anticipate lethal induction from inadequately maintained high-voltage transmission lines. The duty to ensure safety rests squarely upon the electricity supplier and cannot be shifted onto the victim.

13. As regards the quantum of compensation, the First Appellate Court has adopted a method consistent with the principles laid down in ***Sarla Verma v. DTC, 2009(3) RCR (Civil) 77*** and ***National Insurance Company Ltd. v. Pranay Sethi, 2017(4) RCR (Civil) 1009 (SC)***. The notional income, addition towards future prospects, application of multiplier, and award under conventional heads cannot be said to be excessive or arbitrary. No perversity is shown warranting interference.

14. The findings recorded by the First Appellate Court are findings of fact, based on a proper appreciation of evidence and settled legal principles. I find no reason to differ from the First Appellate Court. The Trial Court's judgment suffered from conjectural reasoning, whereas the appellate judgment is evidence-based, legally sound, and fully aligned with Supreme Court jurisprudence on electrocution and strict liability. No substantial question of law arises for consideration in the present appeal. Interference by the High Court would not be warranted.

15. Accordingly, the appeal is dismissed. The judgment and decree dated 29.01.2025 passed by the learned Additional District Judge, Bhiwani, are affirmed.

16. Pending applications, if any, also stand disposed of. There shall be no order as to costs.

January 15 , 2025

Sarita

(DEEPAK GUPTA)

JUDGE

Whether speaking/reasoned?

Whether reportable?

Yes/No

Yes/No

Uploaded on: January 15, 2026