



**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR**

BEFORE

HON'BLE SHRI JUSTICE G. S. AHLUWALIA

ON THE 16th OF JULY, 2025

FIRST APPEAL No. 495 of 2021

M.P.M.K.V.V. COM. LTD. THR.

Versus

ANUSHKA RAGHUVANSHI AND OTHERS

Appearance:

Shri Sangam Kumar Jain and Shri Somnath Seth – Advocates for appellant.

Shri Rishikesh Bohare- Advocate for respondent No.1.

Shri Anand Raghuvanshi – Advocate for respondent No.2.

JUDGMENT

This First Appeal, under Section 96 of the Code of Civil Procedure, 1908, has been filed against the judgment and decree dated 31.03.2021 passed by V Additional District Judge Guna (M.P.) in Regular Civil Suit No.5B/2019 by which the civil suit filed by respondent No.1 for payment of compensation has been allowed and the appellant has been directed to pay a compensation of Rs.8,47,500/- with 6% interest *per annum* from the date of institution of the civil suit till the actual payment is made.

2. The facts, necessary for disposal of present appeal, in short, are that plaintiff Anushka is aged about 12 years. She filed a suit through her mother to



the effect that incident took place on 19.06.2013. 1100 KV electricity lines have been laid down by the appellant but the distance between two poles was not maintained in accordance with specification, as a result, the 1100 KV electricity lines were not at the appropriate height. With passage of time, 1100 KV electricity lines had become weak and they were hanging at a height of 3-4 feet. On 19.06.2013, at about 6-7 pm, she was going along with her friend to answer the call of nature. Since 1100 KV electricity line was hanging at a very low height and because of wind the plaintiff raised her hands as a result she and her friend suffered electrocution. During treatment, her hand was amputated. An FIR in Crime No.157/2013 was also registered. The plaintiff was required to undergo multiple operations and she lost her one hand. Now, not only she is unable to perform her work for daily needs properly but her marriage prospects and other prospects have diminished. Accordingly, Rs.3,00,000/- were sought for physical and mental agony, Rs.10,00,000/- were sought for losing one hand, Rs.2,00,000/- were sought for medical treatment and in all a suit was filed for payment of compensation of Rs.15,00,000/-.

3. Appellant filed written statement and claimed that the 1100 KV electricity lines were hanging as per the norms. In fact, the plaintiff was waving one stick of Besharam shrub as a result she came in contact with 1100 KV electricity lines and thus the plaintiff herself was responsible for the accident.

4. The Trial Court, after framing issues and recording evidence, decreed the suit and awarded a compensation of Rs.8,47,500/- along with interest at the rate of 6% *per annum* from the date of institution of suit i.e. 26.06.2014, till final payment is made.

5. Challenging the judgment and decree passed by the court below, it is submitted by counsel for appellant that since the plaintiff herself was negligent



and she came in contact with 1100 KV electricity line because of her own mistake, therefore, the Trial Court committed a material illegality by awarding the compensation.

6. *Per contra*, the appeal is vehemently opposed by counsel for plaintiff/respondent.

7. Heard learned counsel for the parties.

8. Appellant has relied upon Ex.D-5 i.e. statement of D.P. Nayak, Junior Engineer, which was recorded by Manager, Madhya Pradesh Madhya Kshethra Vidyut Vitaran Co. Ltd., Pagara (DW-1) who had carried out the inspection. He has stated that the plaintiff was trying to touch 1100 KV electricity line with the help of a stick of five feet. However, it is fairly conceded by counsel for the appellant that the stick of five feet was not seized by anybody.

9. During the course of arguments, it was conceded by counsel for appellant that the minimum height of 1100 KV electricity line is 18 feet and it is the duty of the appellant to maintain the electricity line. Accordingly, the only question for consideration is that even assuming that the plaintiff was having a stick of five feet, whether she could have reached upto the height of 18 feet or not? Admittedly, the plaintiff was only 12 years of age, therefore, in absence of any unusual height, this Court can presume that the height of the plaintiff might be someway in between 4 feet to 4.5 feet. Even assuming that the height of the plaintiff was five feet and the length of the stick which she was carrying was five feet, then at the most she can reach upto the height of 10 feet. By no stretch of imagination, the plaintiff can reach to the height of 18 feet, even by raising the stick of length of five feet. Therefore, the contention of plaintiff that the electricity wires were hanging at a very low height is probable and appears to be correct. It is the duty of appellant to maintain the electricity lines and if height of



hanging electricity lines was not in accordance with the specifications, then it cannot be said that the plaintiff came in contact with the electricity line because of her own fault.

10. Under these circumstances, this Court is of considered opinion that the Trial Court did not commit any mistake by holding that the accident of electrocution took place on account of the negligence on the part of appellant in maintaining 1100 KV electricity line. Accordingly, judgment and decree dated 31.03.2021 passed by V Additional District Judge Guna (M.P.) in Regular Civil Suit No.5B/2019 is hereby affirmed.

11. Appeal fails and is hereby *dismissed*.

(G.S. Ahluwalia)
Judge