



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

S.B. Civil First Appeal No. 35/2023

1. Gopiram S/o Late Ramuram, Aged About 25 Years,  
Resident Of Sonnagar, Tehsil Khinvsar, District Nagour.
2. Santu Devi D/o Late Ramuram, Aged About 29 Years,  
Resident Of Sonnagar, Tehsil Khinvsar, District Nagour.
3. Premi Devi D/o Late Ramuram, Aged About 27 Years,  
Resident Of Sonnagar, Tehsil Khinvsar, District Nagour.

----Appellants

Versus

1. The Ajmer Vidyut Vitran Nigam Ltd., Through Its  
President, Ajmer.
2. The Superintending Engineer, Ajmer Vidyut Vitran Nigam  
Limited, Nagour.
3. The Assistant Engineer, Ajmer Vidyut Vitran Nigam  
Limited, Ajmer. (Raj.)

----Respondents

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For Appellant(s) : Mr. Gopi Ram (Petitioner Self)  
For Respondent(s) : Mr. Rajkumar Gehlot

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**HON'BLE MR. JUSTICE FARJAND ALI**

**Judgment**

**Reportable**

<b>DATE OF CONCLUSION OF ARGUMENTS</b>	<b>01/05/2026</b>
<b>DATE ON WHICH JUDGMENT IS RESERVED</b>	<b>01/05/2026</b>
<b>FULL JUDGMENT OR OPERATIVE PART</b>	<b>Full JUDGMENT</b>
<b>DATE OF PRONOUNCEMENT</b>	<b>11/05/2026</b>

**BY THE COURT:-**

1. By way of filing the instant first appeal under Section 96 of the Code of Civil Procedure, the appellants-plaintiffs assail the judgment and decree dated 15.10.2022 passed by the learned Additional District Judge No.1, Nagaur in Civil Regular Case No. 04/2018 (Gopi Ram & Ors. Vs. AVVNL & Ors.), instituted under the Fatal Accident Act, 1855, whereby the learned trial Court, despite recording findings regarding occurrence of the fatal accident and involvement of electricity line, has failed to make a just, fair and reasonable assessment of compensation and has thereby occasioned grave miscarriage of justice.

**Facts**

2. The case of the appellants, in substance, is that on 08.12.2017 at about 10-11 AM, a live electric wire belonging to the respondents snapped due to lack of proper maintenance and fell upon a hut situated in the vicinity, resulting in a sudden fire. The deceased Ramuram, while attempting to save household belongings from the burning hut, came into contact with the live wire and suffered fatal electrocution, leading to his untimely death. The incident was reported, and post-mortem and other documentary evidence substantiated that death occurred due to electric current.





3. The appellants, being legal heirs of the deceased, instituted a claim under the Fatal Accident Act, 1855 seeking compensation on account of negligence on the part of the respondent electricity authorities. The learned trial Court, while accepting the occurrence of the incident and the death due to electrocution, partly allowed the claim and held that the plaintiffs are entitled to receive a sum of ₹1,25,000/- as compensation from the defendants, along with interest at the rate of 6% per annum from the date of filing of the suit i.e. 04.04.2018 till realization. It was further directed that all the defendants shall be jointly and severally liable for payment of the said compensation. However, the appellants contend that the compensation so awarded is grossly inadequate and not commensurate with the loss suffered. Aggrieved thereby, the instant appeal is filed.

### Observations

4. At the admission stage, this order is being passed with the consent of both parties, as the present appeal pertains only to enhancement of compensation and does not warrant formal admission and prolonged hearing after several years. Therefore, the matter is being finally decided at this stage itself.
5. At the outset, this Court is constrained to observe that though the learned trial Court has correctly appreciated the occurrence of the incident and the causal connection





between the snapped electric wire and the death of the deceased, however, it has faltered in discharging its solemn duty of awarding "just compensation", which is the very soul of adjudication under the Fatal Accident Act. The assessment, as made, appears to be not only conservative but also oblivious to the broader principles governing compensation jurisprudence.



6. It is an undisputed and well-established principle of tortious liability that where a public utility authority undertakes the responsibility of maintaining inherently dangerous infrastructure such as live electric lines, a higher degree of care is expected. The doctrine of strict liability, if not absolute liability, squarely comes into play. In the present case, the material on record unequivocally establishes that the electric wire had snapped and fallen, which itself is a *res ipsa loquitur* situation, speaking volumes about negligence.
7. The learned trial Court, despite recording findings that the wire had indeed broken and caused fire, has failed to assign due weight to the consequential devastation caused thereby. This Court cannot lose sight of the fact that in the present case, not only was a human life extinguished, but a dwelling house was also consumed by fire.
8. A dwelling house is not a mere physical structure; it is the nucleus of human existence. Whether it be the palace of a king or the humble hut of a poor person, both share a



common essence , they are meant for living, where a family resides. The value of a home does not depend on whether it is a palace or a hut. The intrinsic worth of a dwelling transcends its material valuation. The learned trial Court has erred in reducing this profound loss into a narrow pecuniary assessment, thereby ignoring the emotional, social, and existential deprivation suffered by the appellants.

9. The jurisprudence of compensation has evolved beyond rigid formulas and now embraces a more humane and realistic approach. Courts are expected to adopt a holistic and liberal interpretation, ensuring that compensation is neither illusory nor symbolic but truly restorative in nature. The extinguishment of a dwelling house aggravates the magnitude of loss manifold , it is not merely loss of shelter, but loss of security, dignity, and continuity of life.

10. Further, the reasoning of the trial Court appears to have been unduly influenced by technicalities while ignoring the overarching mandate of doing substantial justice. Once negligence is established, the consequences flowing therefrom must be fully compensated. The respondents, being custodians of a hazardous utility, cannot escape liability by attributing contributory conduct to the deceased, particularly when the deceased was acting in a bona fide attempt to mitigate damage and save property.





11. This Court further finds it imperative to advert to another significant facet of the matter, namely the immeasurable pain, suffering, hardship and displacement endured by the appellants consequent to the destruction of their dwelling house. The material available on record unmistakably indicates that the deceased and his family were residing in a modest hut, which itself reflects their limited economic means and vulnerable socio-economic condition. A person does not ordinarily reside in a temporary hut or fragile shelter out of choice when possessed of sufficient financial resources to secure a safer and permanent accommodation. The very fact that the appellants were residing in such a humble structure gives rise to a natural and reasonable presumption that they lacked the financial capacity to immediately reconstruct or arrange an alternate shelter after the incident. Therefore, the destruction of the hut cannot be viewed merely as loss of a physical structure; rather, it resulted in prolonged human suffering, insecurity and deprivation of the most basic necessity of civilized existence, namely shelter.

12. Shelter is not a luxury but a fundamental condition of human dignity and survival. Once the dwelling of the appellants was reduced to ashes due to the negligent maintenance of the live electric line by the respondents, the family was inevitably exposed to untold hardship and uncertainty. This





Court cannot remain oblivious to the ground realities prevailing in rural and economically weaker sections of society. A family living in a hut does not ordinarily possess the immediate financial means to reconstruct a residence within a few days. Had the appellants possessed such economic capacity, the reconstruction could perhaps have been undertaken promptly; however, the surrounding circumstances probabalize otherwise. It can safely be inferred that for a considerable period, the appellants would have been compelled to live without adequate shelter, comfort, privacy and security, thereby suffering continuous mental agony, inconvenience and emotional trauma. Such suffering is neither abstract nor imaginary; it is a direct and inevitable consequence flowing from the negligent act attributable to the respondents.

13. The concept of "just compensation" cannot be confined to a narrow arithmetic calculation of pecuniary loss alone. Modern compensation jurisprudence recognizes that in cases involving destruction of shelter and deprivation of basic living conditions, the Court must adopt a humane, realistic and socially responsive approach. The loss occasioned in the present case is not limited merely to the death of the deceased, grave though it is, but extends to the collapse of the family's sense of stability and continuity of life. The appellants would have undergone prolonged pain and





suffering, uncertainty regarding rehabilitation, and social hardship, which the learned trial Court has completely failed to consider while quantifying compensation.

14. This Court is therefore of the considered view that the compensation awarded by the learned trial Court remained wholly symbolic and failed to account for the cumulative effect of the fatal electrocution, destruction of the dwelling house, prolonged deprivation of shelter, and the consequent physical and emotional suffering endured by the appellants. The law does not contemplate grant of compensation in a manner which merely acknowledges liability; rather, compensation must possess a restorative character capable of meaningfully alleviating the suffering caused to the victims. Any assessment ignoring the realities of displacement and destitution would defeat the very object underlying the Fatal Accident Act and the broader principles governing public law and tortious liability.

15. This Court is also of the considered opinion that the act of the deceased in attempting to douse fire and salvage belongings cannot be construed as negligence; rather, it reflects a natural human response in an emergent situation. The law does not expect a person to remain a passive spectator when his dwelling is engulfed in flames.

16. The trial Court has also failed to adequately appreciate that compensation under the Fatal Accident Act is not confined to





strict dependency alone. Even in cases where dependency may be limited or not strictly proved, compensation towards loss of estate, loss of love and affection, and other conventional heads must be awarded in a just and reasonable manner.

17. Thus, the impugned judgment, to the extent it relates to quantification of compensation, suffers from material irregularity, misapplication of legal principles, and a failure to exercise jurisdiction in accordance with settled norms of compensation law.

#### **Final Order:**

18. In view of the foregoing discussion, this Court is of the firm opinion that the compensation awarded by the learned trial Court is grossly inadequate and warrants enhancement.

19. Accordingly, the present appeal is partly allowed. The amount of compensation awarded by the learned trial Court is modified and determined at ₹3,00,000/- (Rupees Three Lakhs only) in place of ₹1,25,000/-, keeping in view the untimely death of the deceased, the negligent conduct attributable to the respondents, and the additional aggravating circumstance that the dwelling house of the appellants stood completely destroyed in the incident, thereby subjecting the family to prolonged hardship, pain, suffering and deprivation of shelter.





20. The enhanced compensation of ₹3,00,000/- shall be payable to the appellants along with interest at the rate of **6% per annum** from the date of filing of the suit i.e. 04.04.2018 till actual realization. The liability of the respondents shall remain joint and several, as directed by the learned trial Court.

**(FARJAND ALI),J**

173-Mamta/-

