



NC: 2026:KHC-D:14280
WP No. 114767 of 2015

CNR: KAHC020031832015

IN THE HIGH COURT OF KARNATAKA AT DHARWAD
DATED THIS THE 29TH DAY OF AUGUST, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 114767 OF 2015 (GM-RES)

BETWEEN:

1. SHRI. GUDADAPPA RUDRAPPA TALAWAR,
AGE: 42 YEARS, OCC: COOLIE WORK.
 2. SMT. RENUKA W/O GUDADAPPA TALAWAR,
AGE: 36 YEARS, OCC: HOUSEHOLD WORK,
BOTH ARE R/O:MARIHAL, TQ: & DIST: BELAGAVI.
- ...APPELLANTS

(BY SRI. VITTHAL S. TELI, ADVOCATE)

AND:

1. THE SECTION OFFICER,
HESCOM, BALEKUNDRI KH SECTION,
TQ: & DIST: BELAGAVI.
 2. THE ASSISTANT EXECUTIVE ENGINEERING(ELE),
RURAL SUB-DIVISION, HESCOM,
NEHRU NAGAR, BELAGAVI.
 3. THE MANAGING DIRECTOR,
HESCOM, EURKA TOWER I B ROAD,
TAL: HUBBALLI, DIST: DHARWAD.
- ...RESPONDENTS

(BY SRI. BHUSHAN B. KULKARNI, ADVOCATE FOR R1 AND R3;
NOTICE TO R2 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT OF
CERTIORARI OR ANY OTHER WRIT OR ORDER QUASHING BY THE
JUDGMENT DATED 20.05.2015 AND AWARD DATED 21.05.2015,
PASSED IN OP.NO.41/2013, PASSED BY THE PERMANENT LOK





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ADALAT, BELAGAVI VIDE ANNEXURE-L AND PLEASED AWARD THE COMPENSATION AS PRAYED FOR AND ETC.

THIS WRIT PETITION COMING ON FOR FURTHER HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The captioned writ petition is directed against the award dated 20.05.2015 passed by the Permanent Lok Adalat in O.P. No.41/2013, whereby the claim petition filed by the parents of the deceased minor child seeking compensation for his death due to electrocution came to be rejected.

2. The undisputed facts disclose that on 11.09.2012, the deceased Ravi Talwar, a minor boy aged about 11 years, had gone to graze cattle behind Campbell Factory. While grazing the cattle, he noticed that a kite had become entangled in a high-tension electric line. In an attempt to retrieve the kite, the child approached the electric pole. The child came in contact with the live high-tension electric installation, sustained severe electric shock and died instantaneously.



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3. A case came to be registered in O.D. Crime No.174/2012 by Marihal Police. After the incident, the petitioners issued a legal notice demanding compensation of Rs.10,00,000/- from the respondent-Electricity Supply Company. Since the respondents neither replied to the notice nor compensated the bereaved parents, they instituted proceedings before the Permanent Lok Adalat seeking damages.

4. The respondents contested the proceedings. The Permanent Lok Adalat, however, dismissed the claim primarily on the ground that the deceased himself had climbed the electric pole in an attempt to retrieve the kite and therefore the accident occurred solely because of his own act. It is this finding which is assailed before this Court.

5. Heard learned counsel appearing for the parties. This Court has carefully examined the pleadings, the oral evidence and the material placed on record. The principal question that arises for consideration is:



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"Whether the Permanent Lok Adalat was justified in rejecting the claim by attributing negligence to an eleven-year-old child and in refusing to apply the doctrine of strict liability governing electrocution cases?"

FINDINGS ON POINT FOR CONSIDERATION:

6. The spot inspection report prepared immediately after the incident clearly indicates that strands of hair and portions of skin of the deceased were found adhered to the electric pole, thereby conclusively establishing that the child came in contact with a live electric installation. The Inspector's report also indicates that the child had climbed the pole and came in contact with the energized high-tension wire.

7. Therefore, the factual controversy as to whether the child merely touched the pole or had climbed the pole loses significance. The fundamental and undisputed fact remains that the child died because he came into contact with a live high-voltage electrical installation maintained by the respondent-Electricity Company.



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8. The Permanent Lok Adalat proceeded on the assumption that since the child had climbed the pole voluntarily, the respondents stood absolved of liability. Such reasoning, in the considered opinion of this Court, is legally unsustainable.

9. Electricity is an inherently dangerous agency. Unlike ordinary objects, electricity is invisible, silent and lethal. A person who undertakes the generation, transmission and distribution of electricity owes an exceptionally high degree of care to every member of the public who may come into its proximity. The obligation is not merely to supply electricity but to ensure that the dangerous substance remains under complete control and does not become a source of danger to human life.

10. The respondents maintain high-tension electric installations for commercial and public utility purposes. They alone have exclusive control over such installations. Ordinary citizens, much less children, have absolutely no control over the manner in which these installations are erected, maintained or safeguarded. Consequently, the law casts upon the



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electricity authorities an absolute duty to ensure that no member of the public suffers injury on account of escape or contact with live electricity.

11. The doctrine applicable to such cases is not one founded upon ordinary negligence but upon the principle of strict liability, which had its origin in ***Rylands v. Fletcher*** and has consistently been adopted by Indian Courts while dealing with electrocution cases.

12. The Hon'ble Supreme Court in ***M.P. Electricity Board v. Shail Kumari and Others***, reported in **(2002) 2 SCC 162**, authoritatively held that where electricity, which is an inherently dangerous substance, causes death or injury, the electricity authority cannot escape liability merely because negligence on its part is not affirmatively established. The Hon'ble Supreme Court observed that a supplier of electricity is liable on the principle of strict liability irrespective of negligence and that such liability arises because of the dangerous nature of the activity itself.



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13. The Hon'ble Apex Court further held that a person undertaking an inherently hazardous activity has a non-delegable duty to ensure that no harm results to others and cannot avoid liability by pleading absence of negligence. The ratio laid down by the Hon'ble Supreme Court squarely governs the facts of the present case.

14. The Permanent Lok Adalat has completely misconstrued the principle laid down by the Hon'ble Apex Court. Instead of examining whether the respondents had discharged their absolute obligation of ensuring safety around a high-tension installation, the Permanent Lok Adalat shifted the entire blame upon an eleven-year-old child. Such an approach, in the opinion of this Court, is contrary not only to the doctrine of strict liability but also to settled principles governing the standard of care expected towards children.

15. An eleven-year-old child cannot be equated with a prudent adult. Children are naturally curious. They are attracted towards flying kites, trees, electric poles and other objects which adults may ordinarily avoid. Such conduct is entirely consistent with normal childhood behaviour. The law



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recognises that children cannot be expected to appreciate hidden dangers in the same manner as adults. The respondents were fully aware that high-tension electric lines pass through inhabited areas and private lands where villagers, agriculturists and children regularly move about. The possibility of children attempting to retrieve kites from poles or trees is neither remote nor extraordinary. It is a foreseeable human conduct.

16. Once such conduct is foreseeable, the respondents were duty-bound to ensure that the dangerous installation was rendered inaccessible by adopting adequate protective measures such as effective fencing, anti-climbing devices, protective guards, warning systems or any other preventive mechanism. The very object of such safeguards is to prevent children from exposing themselves to fatal danger. Therefore, the respondents cannot legitimately contend that because the child climbed the pole, the entire responsibility shifts upon him. Acceptance of such an argument would virtually defeat the doctrine of strict liability itself. The respondents seek to introduce the concept of contributory negligence. Such defence cannot be accepted in the facts of the present case. Firstly, the



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deceased was merely eleven years old. Secondly, the activity involved a highly dangerous substance under the exclusive control of the respondents. Thirdly, the doctrine of strict liability proceeds on the principle that liability flows from the hazardous nature of the activity itself and not from proof of fault.

17. The respondents cannot be permitted to avoid their statutory and public law obligation by attributing negligence to a child who lacked the maturity to appreciate the consequences of his actions.

18. More importantly, where electricity authorities install high-tension transmission lines through areas accessible to the public, the duty cast upon them is one of continuous vigilance. The obligation is not discharged merely by erecting poles and transmitting electricity. Their duty extends to ensuring that the installations remain safe for every foreseeable user of the surrounding area, including children.

19. This Court is therefore of the considered opinion that the reasoning adopted by the Permanent Lok Adalat runs contrary to the law declared by the Hon'ble Supreme Court.



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20. This Court also finds support from the judgment of this Court in ***Smt. Manjula and Others v. BESCO*** in ***W.P. Nos. 23169-23170/2010***, wherein it has been held that while determining compensation in electrocution cases, in the absence of a specific statutory mechanism, the multiplier method adopted under the Motor Vehicles Act furnishes a fair, rational and uniform basis for assessing compensation.

21. Similar principles have been adopted by the Madras High Court in ***Duraisamy v. Executive Engineer (W.P. No.31744/2002)*** and by the Calcutta High Court in ***Kabita Mondal (Gayen) v. West Bengal State Electricity Distribution Company Ltd. (W.P.A No. 23672/2015)***, wherein it has been held that compensation in electrocution cases should ordinarily be assessed by adopting the multiplier method analogous to the Motor Vehicles Act so as to ensure uniformity, certainty and fairness. This Court is in respectful agreement with the aforesaid view.

22. The Motor Vehicles Act has evolved a well-accepted and scientific methodology for assessing pecuniary and non-pecuniary loss arising out of accidental deaths. Though the



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present case does not arise under the Motor Vehicles Act, the absence of any specific statutory formula under the Electricity laws cannot result in arbitrary assessment of compensation. The multiplier method has now acquired judicial recognition as the most equitable mechanism for awarding compensation in cases involving accidental deaths caused by hazardous public utilities.

23. The deceased was a minor aged about eleven years. In terms of the principles governing compensation for death of non-earning children, the notional income, multiplier and conventional heads shall necessarily have to be assessed in accordance with the principles consistently applied under the Motor Vehicles Act. Accordingly, the notional income is taken as Rs. 6,500/- as per guidelines provided by DSLA. Multiplier is taken as 18 following the principles enumerated in ***National Insurance Co. Ltd vs Pranay Sethi*** reported in **2017 (16) SCC 680**. Thereby, after incorporating future prospects income comes upto Rs.19,65,600/-. After deductions of 50% as the victim was a bachelor, income is calculated as Rs.9,28,800/-. The total compensation works out to Rs.10,52,800/- after



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addition of compensation under conventional heads at Rs.70,000/-.

24. Since the Permanent Lok Adalat rejected the claim solely on the erroneous premise that the deceased himself was responsible for the accident, it did not undertake any exercise for computation of compensation. This Court is therefore required to set aside the award and determine compensation in accordance with the multiplier method applicable to motor accident claims.

25. The doctrine of strict liability leaves no manner of doubt that the respondents are legally liable to compensate the parents of the deceased child. The tragic death of an eleven-year-old child due to contact with a live high-tension electrical installation cannot be brushed aside by attributing negligence to the child himself. The responsibility for ensuring that such dangerous installations do not become death traps rests squarely upon the electricity authorities. Accordingly, the point for consideration is answered in the '**Negative**' and the impugned award deserves to be interfered with.



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26. For the foregoing reasons, this Court proceeds to pass the following;

ORDER

- (i) The writ petition is ***allowed***.
- (ii) The award dated 20.05.2015 passed by the Permanent Lok Adalat in O.P. No.41/2013 is set aside.
- (iii) It is declared that the respondents are liable to compensate the petitioners on the principle of strict liability in view of the law laid down by the Hon'ble Supreme Court in ***M.P. Electricity Board v. Shail Kumari and Others***, reported in ***(2002) 2 SCC 162***.
- (iv) The petitioners shall be entitled to compensation Rs.10,52,800-/-.
- (v) The respondents shall compute and pay the compensation in accordance with the



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principles governing motor accident compensation, together with interest at 6% per annum from the date of the claim petition till realization, within a period of eight weeks from the date of receipt of a certified copy of this order.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

AM
CT:VP
LIST NO.: 1 SL NO.: 37