

IN THE COURT OF SENIOR CIVIL JUDGE- 1 AIZAWL DISTRICT: AIZAWL, MIZORAM

CIVIL SUIT NO. 22 OF 2007

Plaintiff:

1. Mr. Lianmawia
S/o Lalropianga
Tuirial Airfield, Aizawl District
2. Minor Lalremliana
S/o Lianmawia
Through next friend
Mr. Lianmawia
S/o Lalropianga
Tuirial Airfield, Aizawl District

By Advocates

- : 1. Mr. Zochhuana
2. Miss Linda L. Fambawl

Versus

Defendants:

1. The State of Mizoram
Represented by the Chief Secretary to the
Govt. of Mizoram
Mizoram- Aizawl
2. The Secretary to the Govt. of Mizoram
Power & Electricity Department
Mizoram- Aizawl
3. The Chief Engineer
Power & Electricity Department
Govt. of Mizoram- Aizawl

By Advocates

- : 1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

Date of arguments : 02-08-2011

Date of Judgment & Order : 31-10-2011

BEFORE

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 1

JUDGEMENT & ORDER

GENESIS OF THE CASE

This is a suit for payment of compensation amounting to Rs. 15,00,000/- (Fifteen lakhs rupees) by the defendants to the plaintiff due to alleged negligence of the defendants which resulted in electrical accident of the wife plaintiff no. 1 namely – Smt. Lalremsiami who died on 23/6/2006 on the road side of Aizawl to Lunglei road near the house of Samuel Rosanglura. The plaintiff no. 2 is the son of the said deceased Smt. Lalremsiami. In the Post Mortem Examination report, it was stated that the

cause of action was due to electrocution. As directed, a requisite court fees was also make up 28/10/2011.

Hence, prayed compensation in the following terms-

A. Pecuniary Damages

(a) Loss of income $8000 \times 12 \times 18 \times 2/3$ = Rs. 11,52,000/-

B. Non pecuniary damages

(a) Damage for mental and physical suffering, loss of love and affection suffered by the plaintiff no. 1 due to the death of his wife

= Rs. 1,00,000/-

(b) Damage for mental and physical suffering, loss of love and affection suffered by the plaintiff no. 2 due to the death of his mother

= Rs. 1,00,000/-

(c) Future hardship to be undergone by the plaintiff no. 1 due to deprivation of his wife

= Rs. 50,000/-

(d) Future hardship to be undergone by the plaintiff no. 2 due to deprivation of his wife

= Rs. 50,000/-

(e) Funeral and other accidental expenses = Rs. 50,000/-

Total = **Rs. 15,02,000/-**

The defendants in their written statements contended there was not clear that the said Smt. Lalremsiami was died on electrocution due to leakage of electric current through electric post. On carried of thorough test, there was no leakage of electric current on that day in the said electric post. The defendants cautious and taken precautionary by fixing shackle insulators in between the live wire and the electric post in the alleged spot. All other statutory measures were also taken by the defendants. As there is no such prima facie case, the suit is liable to dismiss outright.

ISSUES

The following issues are framed on 17-06-2009 and amended so as to reach correct findings as follows-

1. Whether the suit is maintainable in its present form and style
2. Whether the death of Smt. Lalremsiami was due to electrocution. If so, whether the defendants are liable to pay compensation to the plaintiffs or not.
3. Whether the plaintiff is entitled to the relief claimed or not. If so, to what extend.

BRIEF ACCOUNT OF EVIDENCE

For the plaintiff:

The plaintiff had produced the following witnesses namely

1. Mr. Lianmawia S/o Lalropianga, Tuirial Airfield, Aizawl (Hereinafter referred to as PW- 1)
2. Mr. P.B. Singh S/o C.D. Singh (L), Bawngkawn Police Station, Aizawl (Hereinafter referred to as PW- 2)
3. Mr. K. Laldingliana S/o K. Vanmawia, Tuirial Airfield, Aizawl (Hereinafter referred to as PW- 3)
4. Dr. Lalrozama S/o Rev. Rokhuma, Mission Vengthlang, Aizawl (Hereinafter referred to as PW- 4)

The **PW-1** in his examination in chief deposed that in the morning of 23/6/2006, he and his wife Smt. Lalremsiami went towards the tea shop. In their way, his wife touched an electric post erected on the road side along Aizawl to Lunglei road. She was unfortunately electrocuted and died on the spot due to the said electrocution. An FIR was also lodged to Bawngkawn Police Station and entered the case into General Diary No. 614/624 dt. 23/6/2006. Post mortem examination was also done by Dr. Lalrozama, Medical Officer, Aizawl Civil Hospital on the same day and opined that the cause of death was due to electrocution. No fencing or warning symbol was made at that time in the said electric post although leakage of electric current. Being a vendor of second hand garments during her lifetime, the monthly income of the deceased was Rs. 8,000/- per month as a bread winner. Hence, claimed compensation as stated in the plaint. He further deposed that-

Ext. P-1 is plaint and Ext. P-1 (a) is his true signature

Ext. P-2 is break up of compensation claimed in the suit

Ext. P-3 is list of documents

Ext. P-4 is a copy of FIR

Ext. P-5 is a copy of PME report

Ext. P-6 is a copy of Legal Notice

Ext. P-7 is a copy of reply of legal notice

Ext. P-8 is a copy of Enquiry report submitted to the C.E. P&E by Electrical Inspector of P&E Deptt.

Ext. P-9 is a copy of Birth Certificate of the deceased

Ext. P-10 is acknowledgement issued by VCP, Tuirial

During his cross examination, he deposed that he used to earn livelihood doing odd jobs now and then. His wife was died on 23/6/2006 at around 7:00 – 8:00 A.M. He admitted that in his legal notice, compensation amount claimed by him was Rs. 1,00,000/- in contravention of the instant suit. He married his deceased wife in 2000.

The **PW-2** in his examination in chief deposed that he is posted at Bawngkawn Police Station since 2005 as case investigator. As per telephonic information received on 23.3.2006, he went to the spot and found that the deceased Lalremsiami was lying on bed inside their house. He found that a small lacerated injury on her right middle finger which is suspected to be caused due to electric shock. The dead body was later forwarded to Civil Hospital, Aizawl and the PME report also revealed that

the cause of death was due to electrocution. Ext. P- 4 (a) is his signature as Enquiry report. Ext. P-5 is a copy of PME report received by him.

In his cross examination, he further deposed that except PME report, no further investigation of the cause of death was carried out.

The **PW-3** deposed in his examination in chief that he was the President of Village Council, Tuirial at the time of accident. The family of the plaintiffs were his tenant till 2005 since 2000. The deceased started business with second hand garments since 2003 and before the they did odd jobs and estimated that her monthly earning will be @ Rs. 8000/-.

During cross examination, he admitted that as told by the deceased he knew the earning amount of the deceased. The said deceased was the sole bread winner in her family. Although there was once complaint, no other persons were electrocuted in the instant electric post.

The **PW- 4** in his examination in chief deposed that he had conducted PME of the deceased on 23/6/2006 and found that it was due to electrocution. Ext. P-5 is a copy of PME and Ext. P- 5 (a) is his signature.

In his cross examination, he deposed that his PME was done as inquest report. In his PME, the only injury which he detected was in the right middle finger.

For the defendants:

On the otherhand, the defendants had produced the following witnesses-

1. Mr. David Ramnunsanga, E.O. to C.E P&E Department, Govt. of Mizoram (Hereinafter referred to as DW-1)
2. Mr. Liansangvunga, SDO, P & E Department, Govt. of Mizoram (Hereinafter referred to as DW-1)
3. Mr. Lalsangzuala Sailo, JE, P & E Department, Govt. of Mizoram (Hereinafter referred to as DW-1)

The **DW-1** in his examination in chief deposed that written statement was filed under his signature. Ext. D-1 is written statement and Ext. D (3) (a) and (b) are his signatures.

In his cross examination, he deposed that being E.O. to C.E P&E Department, Govt. of Mizoram, he signed written statement.

The **DW-2** in his examination in chief deposed that when he was SDO, Distribution Division-II, Aizawl North, he look after the area of the instant incident. As soon as receiving a report of incident on 23/6/2006, he along with the JE in charge with other staff went to the spot. When they reached the deceased was lying in their residence and the case i/o from police was also with them. They forthwith checked the stay wire which is alleged leakage of electric current and found that there was no leakage of electric

current at all. Shackle insulator which is meant to proof electric current leakage from live was also found and is no need to fence low tension post like the instant electric post. No point of the defendant's negligent act causing the death of the victim was found by him at all. As hearsay, it was heard that the victim climbed in the brick wall without knowing reasons with intending to step down with stay wire. No leakage of current was found and there was also possibility to met accident by falling down from the said brick wall. Ext. D-1 is the written statement. Ext. D-1 (a) is his signature. Ext. D-2 is detail causes leading the accident. Ext. D-2 (a) is his signature.

In his cross examination, he deposed that he alongwith staff forthwith plied to the spot at the time of incident. He denied that no safety measures was being made on the place of occurrence. He denied that the deceased was died due to electrocution.

The **DW-3** in his examination in chief deposed that when he is J.E. Electrical Inspectorate, Zuangtui which have a jurisdiction in the instant place of occurrence till date. They went to the spot on 1/8/2006 and accurately checked stay wire alleged touched by the victim deceased with multi meter and found that no leakage of electric current. Shackle inculator to proof such leakage was also duly made.

In his cross examination, he admitted that at the time of accident, he was not present on the spot where accident took place. When incident took place on 23.6.2006, he conducted inspection on 1/8/2006.

ARGUMENTS

After delving on the minutes of proceedings, Mr. Zochhuana, Learend counsel for the plaintiffs claimed as deserving the relief which they sought in the plaint.

On the other hand, Mr. R. Lalremruata, learned AGA, sum up of his arguing points that (i) there is incongruous of the amount of compensation claimed in the legal notice and in the suit (ii) Electrical Inspectorate is autonomous body who confirmed that there was no leakage of electric current at the instant electric post (iii) the PME report merely reads that "... could be produced by electric burn" (iv) there was no independent witness who saw the deceased being electrocuted by the electric post (v) all precautionary measures was taken by the defendants and no negligence had arisen in total (vi) the amount of compensation claimed is excessive.

FINDINGS

Issue No. 1

Whether the suit is maintainable in its present form and style

In the instant plaint, a requisite court fees is paid. Except incongruous of the amount claimed in the legal notice u/s 80 CPC and in the plaint, no point of irregularities is heard during the course of proceedings. Although such *laches* is found, the defendants totally denied of

the amount of claimed compensation and factum of incident as alleged in the plaint and the legal notice. Thus, such irregularities may not be held as fatal for proceedings of the case as held by the Gauhati High Court in the case of **Manindra Ch. Paul vs State Of Tripura And Ors.** decided on 16 March, 2007 and reported in AIR 2007 Gau 103, 2007 (3) GLT 300 and in **Gopesh Chandra Das v. The Chief Secretary to the Government of Assam and Ors.** (1989) 2 GLR 377: AIR 1990 Gau 74.

Issue No. 2

Whether the death of Smt. Lalremsiami was due to electrocution. If so, whether the defendants are liable to pay compensation to the plaintiffs or not.

In the PME reports as Ext. P-5, it was found that "*Cause of death in this case is electrocution. The injury in the is ante mortem in nature and could be produced by electric burn*". The PW- 4 who prepared the said PME report clarified in his cross examination that, such report was on the basis of the inquest report. In both sides there is no evidences adduced by independent eye witnesses. The PW-1 who appears present on the spot at the time of incident also deposed ambiguous factum by failing to elicit the exact nature of accident and the position of the victim at that time. Undisputedly, in the instant case, doctrine of '*Res Ipsa Loquitor*' will not be applicable as observed in **Pushpabai Purshottam Udeshi & Ors vs Ranjit Ginning & Pressing Co. (P) Ltd. & Anr.** decided on 25 March, 1977 and reported in 1977 AIR 1735, 1977 SCR (3) 372, wherein, the Supreme Court has held that-

"The normal rule is that it is for the plaintiff to prove negligence but as in some cases considerable hardship is caused to the plaintiff as the true cause of the accident is not known to him but is solely within the knowledge of the defendant who caused it, the plaintiff can prove the accident but cannot prove how it happened to establish negligence on the part of the defendant, This hardship is sought to be avoided by applying the principle of *res ipsa loquitur*. The general purport of the words *res ipsa loquitur* is that the accident "speaks for itself" or tell's its own story. There are cases in which the accident speaks for itself so that it is sufficient for the plaintiff to prove the accident and nothing more. It will then be for the defendant to establish that the accident happened due to some other cause than his own negligence....."

More so, the Supreme Court in the case **Syed Akbar V. State of Karnataka**, 1980 ACJ 38: (AIR 1979 SC 1848) dealt with the scope and applicability of the maxim '*res ipsa loquitur*' and observed that

"*Res ipsa loquitur* (telling speaks for itself) is a principle which, in reality, belongs to the law of Torts."

It has been further observed that at page, 1852 (of AIR)

"as a rule mere proof that an event has happened or an accident has occurred, the cause of which is unknown, is not evidence of negligence. But the peculiar circumstances constituting the event or accident, in a particular case, may themselves proclaim in concordant, clear and unambiguous voice the negligence of somebody as the cause of the event or

accident. It is to such cases that the maxim 'res ipsa loquitur may apply,' if the cause of the accident is unknown and no reasonable explanations as to the cause is coming forth from the defendant. To emphasise the point, it may be reiterated that in such cases, the event or accident must be a kind which does not happen in the ordinary course of things if those who have management and control use due care. But, according to some decisions, satisfaction of this condition alone is not sufficient for res ipsa to come into play and it has to be further satisfied that the event which caused the accident was within the defendant's control. The reason for this second requirement is that where the defendant has control of the thing which caused the injury, he is in a better position than the, plaintiff to explain how the accident occurred."

Pertinently, the value and position of medical evidence is clearly illuminated by the Gauhati High Court in the case of **Tractor And Farm Equipment Ltd. vs Secretary To The Govt. Of Assam, Dept. Of Agriculture And Ors.** decided on 22/1/2004 and reported in AIR 2004 Gau 73, the Gauhati High Court has went on-

"27. While considering this appeal, one has to also bear in mind that jurisprudence is really the science of law. The law regulates and brings to order the society so as to enable the mankind to live in peace, harmony and prosperity. The concept of law, is, thus, inter woven with the conditions of the society. When the society changes, the concept of law may also change. At times, even when the text of law, i.e. the words of statute remains unaltered, interpretation of the concept of the statute may change depending upon the change in the attitude and conditions of the society. For instance, there was a time, when, if any conflict was noticed between medical evidence and ocular evidence, it was the medical evidence, which used to prevail, because the words of doctors were almost sacrosanct, but as the days rolled by, like any other profession in our society, the values in the medical profession too started dwindling. The result was that the doctors lost the trust and confidence of the people at large so much so that even when a pathological examination is advised by a doctor today, the common man's reaction is that the pathological investigation has been advised with ulterior motive to make some material gain. Can we notice the effect of this dramatic change, in the attitude of the people towards, the doctors, on the concept of law ? The answer is not very far to seek. The consequence of this conceptual change of the society was bound to be reflected from the decisions of the Courts. With the passage of time, the Courts too started realizing that the doctors may be as good or as bad, as faithful or as unfaithful, as trustworthy or as untrustworthy, as any other individual in the society. The resultant effect was that the Courts started feeling uncomfortable in giving the sanctity and importance, which used to be given, in the past, to the evidence of the doctors and the time came, when the Apex Court of the country had to say that medical evidence cannot always be treated as touch stone for testing the veracity of the ocular evidence and that even when the medical evidence belies the eye witness's account of the occurrence, the Court can reject the medical evidence and found conviction of the accused on the

testimony of the eye witness if the eye witness's evidence is found to be trustworthy and reliable."

Since there is no adequate direct evidences from both parties and as accepted and undisputed that there can be a chance to leakage of electric current in a moment but which may not continue when no other possibilities causing the death of the victim deceased was found, inevitably concluded that due to electrocution, the victim was died whilst one complaint was also preferred on the instant stay wire/electric post as deposed by PW-3.

Whether the defendants are liable to pay compensation or not can be discussed that Judicial intervention on electrocution is rampant that the Hon'ble Supreme Court in **M.P. Electricity Board vs. Shail Kumari and others** reported in [2002 (2) SCC 162] that the liability of the Electricity Board under Law of Torts to compensate for the injuries suffered cannot be denied on the basis that the Electricity Board has taken all safety measures since the liability of the Department is strict liability, relying upon the renowned and celebrated case on the issue, viz., Rylands vs., Fletcher (1868 (3) HL 330: 1861-73 All ER Rep.1). The Supreme Court has held as follows:

"8. Even assuming that all such measures have been adopted, a person undertaking an activity involving hazardous or risky exposure to human life, is liable under law of torts to compensate for the injury suffered by any other person, irrespective of any negligence or carelessness on the part of the managers of such undertakings. The basis of such liability is the foreseeable risk inherent in the very nature of such activity. The liability cast on such person is known, in law, as "strict liability". It differs from the liability which arises on account of the negligence or fault in this way i.e. the concept of negligence comprehends that the foreseeable harm could be avoided by taking reasonable precautions. If the defendant did all that which could be done for avoiding the harm he cannot be held liable when the action is based on any negligence attributed. But such consideration is not relevant in cases of strict liability where the defendant is held liable irrespective of whether he could have avoided the particular harm by taking precautions.

The doctrine of strict liability has its origin in English common law when it was propounded in the celebrated case of Rylands v. Fletcher (1868 (3) HL 330: 1861-73 All ER Rep.1). Blackburn, J., the author of the said rule had observed thus in the said decision: (All ER p. 7E-F) "[The true rule of law is that the person who, for his own purposes, brings on his land, and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and, if he does not do so, he is prima facie answerable for all the damage which is the natural consequence of its escape."

The above are consonance with a series of verdict and observations in the followings, such as –

*In the case of **Smti Maya Rani Banik And Anr. vs State Of Tripura And Ors.** decided on 3 December, 2004 reported in AIR 2005 Gau 64*

*In the case of **Surjya Das vs Assam State Electricity Board And Ors.** decided on 15 September, 2005 reported in (2006) ACC 36, AIR 2006 Gau 59, (2006) 2 GLR 387*

In the case of **State Of Mizoram And Ors. vs H. Lalrinmawia** decided on 4/3/2008 reported in 2008 (2) GLT 32

In the case of **Edentinora Mawthoh vs State Of Meghalaya And Ors.** decided on 7/12/2007 and reported in 2008 (1) GLT 732

In the case of **State Of Tripura And Ors. vs Jharna Rani Pal And Anr.** decided on 25 July, 2007 and reported in 2008 (1) GLT 974

In the case of **Madhya Pradesh Electricity Board vs Shail Kumari And Ors.** decided on 11/1/2002 and reported in (2002) ACC 526, 2002 ACJ 526, AIR 2002 SC 551

In the case of **Smt. S.K. Shangring Lamkang And Anr. vs State Of Manipur And Ors.** decided on 16 November, 2007 and reported in AIR 2008 Gau 46, 2008 (1) GLT 32

In the case of **State Of Manipur And Ors. vs Hurilung Kamei** decided on 30/5/2007 reported in 2007 (4) GLT 342

In the case of **A.S. Zingthan vs State Of Manipur And Ors.** decided on 18/3/1997 reported in 1999 ACJ 904

The next task becomes the true meaning and concepts of 'Strict Liability'. In the case of **J.K. Industries Limited Etc.Etc vs The Chief Inspector of Factories and Boilers & Ors.** decided on 25 September, 1996 and reported in 1996 (6) Suppl. SCR 798, 1996 (6) SCC 665, 1996 (7) SCALE 247, 1996 (9) JT 27, it was observed that-

"The offences are strict statutory offences for which establishment of mens rea is not an essential ingredient. The omission or commission of the statutory breach is itself the offence. Similar type of offences based on the principle of strict liability, which means liability without fault or mensrea, exist in many statutes relating to economic crimes as well as in laws concerning the industry, food adulteration, prevention of pollution etc. In India and abroad. 'Absolute offences' are not criminal offences in any real sense but acts which are prohibited in the interest of welfare of the public and the prohibition is backed by sanction of penalty. Such offences are generally known as public welfare offences."

In the case of **Dineshchandra Jamnadas Gandhi vs State Of Gujarat And Anr** decided on 17 January, 1989 and reported in 1989 AIR 1011, 1989 SCR (1) 138, it was held that-

"12. The plea in the last analysis reduces itself to one of ignorance of the law. This would be no justification. Ten thousand difficulties, it is said, do not make a doubt. As the learned authors (supra) put it. "One who, being ignorant of the law, sells goods at a price in excess of the maximum fixed by the statute, could hardly be said to have been led astray by his conscience while the 'harm prescribed' lacks objective wrongness".

The Statute we are concerned with prescribes a strict liability, without need to establish Mens Rea. The Actus Reus is itself the offence. There might be cases where some mental element might be a part of the Actus Reus itself. This is not one of those cases where anything more than the mere doing of the prescribed act requires to be proved."

It is therefore very clear that strict liability is liable to invoke in electrocution cases like in the instant case. In Google, "**Strict liability** is explained that in law, strict liability is a standard for liability which may exist

in either a criminal or civil context. A rule specifying strict liability makes a person legally responsible for the damage and loss caused by his or her acts and omissions regardless of culpability (including fault in criminal law terms, typically the presence of mens rea). Strict liability is prominent in tort law (especially product liability), corporations law, and criminal law.

In tort law, strict liability is the imposition of liability on a party without a finding of fault (such as negligence or tortious intent). The plaintiff need only prove that the tort occurred and that the defendant was responsible. Strict liability is imposed for legal infractions that are malum prohibitum rather than malum in se, therefore, neither good faith nor the fact that the defendant took all possible precautions are valid defenses. Strict liability often applies to those engaged in hazardous or inherently dangerous ventures.

Strict liability is distinct from absolute liability. Under absolute liability, only an actus reus is required. With strict liability, an actus reus, unintentional or not is all that is required. If the plaintiff can prove that the defendant knew about the defect before the damages occurred, additional punitive damages can be awarded to the victim. In strict liability situations, although the plaintiff does not have to prove fault, the defendant can raise a defense of absence of fault, especially in cases of product liability, where the defense may argue that the defect was the result of the plaintiffs actions and not of the product, that is, no inference of defect should be drawn solely because an accident occurs.

A classic example of strict liability is the owner of a tiger rehabilitation center. No matter how strong the tiger cages are, if an animal escapes and causes damage and injury, the owner is held liable. Another example is a contractor hiring a demolition subcontractor that lacks proper insurance. If the subcontractor makes a mistake, the contractor is strictly liable for any damage that occurs.

The law imputes strict liability to situations it considers to be inherently dangerous. It discourages reckless behavior and needless loss by forcing potential defendants to take every possible precaution. It also has the effect of simplifying and thereby expediting.”

So long as ‘Strict liability’ is invokable in electrocution case and as held in **M.P. Electricity Board vs. Shail Kumari and others (supra)**, whether negligent or carelessness of the defendants are immaterial under the aegis of strict liability. The defendants are thereby liable to pay compensation to the plaintiffs.

Issue No. 3

Whether the plaintiff is entitled to the relief claimed or not. If so, to what extend.

On perusal of Ext. P- 6, which is a copy of Legal Notice u/s 80 of CPC, the claimed of the plaintiffs was (i) General damages of Rs. 5,00,000/- and (ii) Special damages of Rs. Rs. 5,00,000/- and the total amount falls Rs. 10 lakhs. In the plaint it was claimed that Rs. 15,00,000/- (Fifteen lakhs rupees) in total. As there is no negligence on the part of the defendants, it may be treated as extenuating circumstances to reduce compensation amount whilst evidences disclosed that the victim deceased herself touch the stay wire. As Ext. P- 9 reveals that the victim deceased was born on 15.5.1978, she will therefore attained 28 years at the time of deceased on 23/6/2006. More so, in respect of the quantum of monthly income of the deceased, since 2003 she started for dealing selling of second hand

garments before that they did odd jobs as admitted, there can be no such adequate monthly income as submitted, her monthly income may be calculated at Rs. 1,000/- per month instead of Rs. 8,000/- per month. Calculation may be made that –

A. Pecuniary Damages

(i) Loss of income $1000 \times 12 \times 18 \times 2/3$ = Rs. 1,44,000/-

B. Non pecuniary damages

(i) Damage for mental and physical suffering, loss of love and affection suffered by the plaintiff no. 1 due to the death of his wife

= Rs. 5,000/-

(ii) Damage for mental and physical suffering, loss of love and affection suffered by the plaintiff no. 2 due to the death of his mother

= Rs. 5,000/-

(iii) Future hardship to be undergone by the plaintiff no. 1 due to deprivation of his wife

= Rs. 10,000/-

(iv) Future hardship to be undergone by the plaintiff no. 2 due to deprivation of his wife

= Rs. 10,000/-

(v) Funeral and other accidental expenses = Rs. 10,000/-

Sub total- Rs. 40,000/- (forty thousand rupees)

Total = **Rs. 1,84,000/-**

ORDER

In view of the afore discussions and findings thereof, the defendants are directed to pay compensation amount to the plaintiff at **Rs. 1,84,000/-** (Rupees one lakh and eighty four thousand) with interest rate at 9% per annum till realization from 11-06-2007 when institution of the suit. Parties are directed to bear their own cost.

The case shall stand disposed of.

Give this copy and decree to both parties and all concerned.

Given under my hand and seal of this court on this 31st October, 2011 Anno Domini within the premises and during the working hours of this court and is pronounced in an open court.

Dr. H.T.C. LALRINCHHANA

Senior Civil Judge- 1

Aizawl District: Aizawl

Memo No. CS/22/2007, Sr. CJ (A)/

Dated Aizawl, the 31st Oct., 2011

Copy to:

1. Mr. Lianmawia S/o Lalropianga, Tuirial Airfield, Aizawl District
2. Minor Lalremliana S/o Lianmawia Through next friend Mr. Lianmawia S/o Lalropianga, Tuirial Airfield, Aizawl District
3. The State of Mizoram Represented by the Chief Secretary to the Govt. of Mizoram, Mizoram- Aizawl through Mr. R. Lalremruata, Asst. Govt. Advocate, District Court- Aizawl
4. The Secretary to the Govt. of Mizoram, Power & Electricity Department, Mizoram- Aizawl through Mr. R. Lalremruata, Asst. Govt. Advocate, District Court- Aizawl
5. The Chief Engineer, Power & Electricity Department, Govt. of Mizoram- Aizawl through Mr. R. Lalremruata, Asst. Govt. Advocate, District Court- Aizawl
6. P.A. to Hon'ble District & Sessions Judge, Aizawl Judicial District- Aizawl
7. Case record

PESKAR

**IN THE COURT OF SENIOR CIVIL JUDGE- 1
AIZAWL DISTRICT: AIZAWL**

DECREE

CIVIL SUIT NO. 22 OF 2007

Plaintiff:

3. Mr. Lianmawia
S/o Lalropianga
Tuirial Airfield, Aizawl District
4. Minor Lalremliana
S/o Lianmawia
Through next friend
Mr. Lianmawia
S/o Lalropianga
Tuirial Airfield, Aizawl District

By Advocates

- : 1. Mr. Zochhuana
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Versus

Defendants:

4. The State of Mizoram
Represented by the Chief Secretary to the
Govt. of Mizoram
Mizoram- Aizawl
5. The Secretary to the Govt. of Mizoram
Power & Electricity Department
Mizoram- Aizawl
6. The Chief Engineer
Power & Electricity Department
Govt. of Mizoram- Aizawl

By Advocates

- : 1. Mr. R. Lalremruata, AGA
2. Miss Bobita Lalhmingmawii, AGA

Date of arguments : 02-08-2011
Date of Judgment & Order : 31-10-2011

BEFORE

Dr. H.T.C. LALRINCHHANA, Sr. CJ- 1

DECREE

This suit coming on this 31st Oct., 2011 for final disposal before Dr. H.T.C. Lalrinchhana, Senior Civil Judge-1, it is ordered and decreed that the defendants are directed to pay compensation amount to the plaintiff at **Rs.**

1,84,000/- (Rupees one lakh and eighty four thousand) with interest rate at 9% per annum till realization from 11-06-2007 when institution of the suit. Parties are directed to bear their own cost.

Given under my hand and seal of the Court on this 31st day of October, 2011.

Seal of the court

Judge