

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3009 OF 2020
(Arising out of SLP(Civil) No.21151 of 2018)

MANA DEVI

APPELLANT

VERSUS

BIHAR STATE VIDYUT BOARD & ANR.

RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal is filed against the order dated 20.12.2017 passed by the Division Bench of the High Court of Judicature at Patna by which the Letters Patent Appeal filed against the order of learned Single Judge dated 27.09.2016 in Civil Writ Jurisdiction Case No.2464 of 2014, wherein appellant has claimed an amount of Rs.5 lakhs as compensation on account of death of appellant's husband, who died due to contact with the naked live electric wire on 29.08.2001, was dismissed.

The learned Single Judge by the order dated 27.09.2016 directed that an amount of Rs.1 lakh is to be paid to the appellant as ex-gratia amount. In pursuance of the order of learned Single Judge, admittedly, ex-

gratia amount has already been paid to the appellant. The appellant, aggrieved by the impugned order, has come up before this Court.

Learned Counsel for the appellant has submitted that the amount of Rs. 1 lakh, which has been paid as ex-gratia, is not an appropriate compensation.

Learned counsel for the respondent, refuting the claim of the appellant, submits that High Court has granted liberty to the appellant to take appropriate proceedings for further compensation, hence the amount paid was sufficient.

We have heard the learned counsel for the parties and perused the record.

The appellant is a lady, who had also filed a claim petition before the Additional District Judge, MACT, Patna in the year 2002 which was withdrawn in the year 2012. At this stage, learned counsel for the appellant has submitted that it would be very difficult for appellant, a widow, to prosecute any further proceeding.

We are of the view that in the facts of the present case, ends of justice will be served in directing the respondent no.1 to make payment of Rs.4 lakhs, in full and final settlement of the claim, to the appellant. We make it clear that this order is passed in special facts and circumstances of the present case and shall not be treated a precedent.

Accordingly, the appeal is disposed of directing the respondent no.1 to make payment of Rs.3 lakhs to the appellant, as Rs.1 lakh has already been paid, within a period of six weeks from today.

.....J.
(ASHOK BHUSHAN)

.....J.
(R. SUBHASH REDDY)

.....J.
(M.R. SHAH)

New Delhi;
August 28, 2020

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).21151/2018

(Arising out of impugned final judgment and order dated 20-12-2017 in LPA No. 2121/2016 passed by the High Court Of Judicature At Patna)

MANA DEVI

Appellant(s)

VERSUS

BIHAR STATE VIDYUT BOARD & ANR.

Respondent(s)

Date : 28-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE R. SUBHASH REDDY
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s)

Mr. Praveen Kumar Agarwal, Adv.
Mr. Sanjay Jain, AOR

For Respondent(s)

Mr. Navin Prakash, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)