

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil First Appeal No. 1109/2025

Bharatpur Electricity Services Limited

----Appellant

Versus

Kamlesh Devi Wife Of Shri Hari Prasad,

----Respondent

Connected With

S.B. Civil First Appeal No. 1334/2025

Jaipur Vidyut Vitran Nigam Limited

----Appellant

Versus

Kamlesh Devi W/o Hariprashad

----Respondent

For Appellant(s)	:	Mr. Ribhu Dutta (1109/2025) Mr. Jitendra Mishra with Ms. Meenakshi Agarwal(1334/2025)
For Respondent(s)	:	Mr. Vinod Kumar for (Respondent No. 1 & 2) Mr. Jitendra Mishra for (Respondent No. 3 to 5)(1109/2025)

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

18/03/2026

In S.B. Civil First Appeal No. 1109/2025:

1. Mr. Vinod Kumar, learned counsel appears on behalf of respondent no. 1 and 2 and accepts notice.
2. Mr. Jitendra Mishra, learned counsel appears on behalf for the respondent no. 3 to 5 and accepts notice.
3. Thus, service is complete.
4. In the meanwhile, the appellant is directed to deposit 50% of the decretal amount along with interest @6% per annum with the concerned Executing Court within a period of two weeks from today.

5. On depositing 50% of the decretal amount along with interest @ 6% per annum; 50% of the deposited amount shall be disbursed to the plaintiff/respondent on filing an undertaking on oath to the effect that, in case the present appeal is allowed, they will refund the same along with interest @ 6% per annum. However, the rest 50% of the deposited amount shall be kept in FDR in any nationalized bank.
6. List the matter soon after the record is received.

In S.B. Civil First Appeal No. 1334/2025

1. The present appeal has been filed by the appellants assailing the judgment and decree dated 01.04.2025, passed by learned District Judge, Bharatpur in Civil Suit No. 147/2021 (CIS No.160/2021) titled as '*Kamlesh and Anr. Vs. JVVNL and Ors*', whereby the suit filed by the respondent/plaintiff under Section 1(A) of the Fatal Accident Act, 1855, has been partly decreed.
2. Learned counsel for the appellant submits that the learned Court below erred in decreeing the suit without considering the fact that no information for leakage of electricity was given. He further submits that there was no negligence on the part of the appellant and from the evidence of plaintiff, the alleged theory of electrocution can not be said to be proved. Therefore, he submits that the impugned judgment and decree is unsustainable in the eye of law.
3. *Per contra*, learned Counsel for the plaintiff/respondent has opposed the said submissions and submitted that the plaintiff's son - *Sunil Kumar* lost his life due to negligence of the present appellant. He further submits the learned Court below, after

considering the facts in detail and after analyzing the evidence on record, has rightly decreed the suit and there is no perversity in the impugned judgment and decree so as to warrant any interference by this Court and accordingly, prays for dismissal of the present appeal.

4. Heard.

5. Let record of the learned Court below be summoned.

6. In the meanwhile, the appellant is directed to deposit 50% of the decretal amount along with interest @6% per annum with the concerned Executing Court within a period of two weeks from today.

7. On depositing 50% of the decretal amount along with interest @ 6% per annum; 50% of the deposited amount shall be disbursed to the plaintiff/respondent on filing an undertaking on oath to the effect that, in case the present appeal is allowed, they will refund the same along with interest @ 6% per annum. However, the rest 50% of the deposited amount shall be kept in FDR in any nationalized bank.

8. List the matter soon after the record is received.

(MANEESH SHARMA),J