



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

REGULAR FIRST APPEAL NO. 304 OF 2024 (RES)

BETWEEN:

1. SUPERINTENDENT ENGINEER
KPTCL, BENGALURU RURAL DISTRICT,
K.R. CIRCLE, BENGALURU.
2. THE ASSISTANT EXECUTIVE ENGINEER
BESCOM, DEVANAHALLI TOWN,
BENGALURU RURAL DISTRICT.

...APPELLANTS

(BY SRI. VENKATESHA T S., ADVOCATE)

AND:

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by THEJAS
KUMAR N
Location: HIGH
COURT OF
KARNATAKA

1. SMT. LAKSHMAMMA
W/O. LATE NEELAPPA,
AGED ABOUT 51 YEARS,
2. KUM. LALITHAMMA
D/O. LATE NEELAPPA,
AGED ABOUT 35 YEARS,
3. SRI. NANDISH
S/O. LATE NEELAPPA,
AGED ABOUT 32 YEARS,
4. SRI. GIRISH,
S/O LATE NEELAPPA
AGED ABOUT 30 YEARS



5. KUM. SUJATHA
D/O LATE NEELAPPA,
AGED ABOUT 30 YEARS

RESPONDENT NOS.1 TO 5
ALL ARE R/AT. CHOWDENAHALLI VILLAGE,
KUNDANA HOBLI,
DEVANAHALLI TALUK,
BENGALURU RURAL DISTRICT.

6. THE CHAIRMAN KPTCL
CAUVERY BHAVAN,
K.G. ROAD,
BENGALURU-560 009.

...RESPONDENTS

(R1, R2, R3, R4, R5 AND R6 ARE SERVED AND
UNREPRESENTED

THIS RFA IS FILED UNDER SECTION 96 OF CPC 1908
AGAINST THE JUDGMENT AND DECREE DATED 28.07.2023
PASSED IN OS.No.178/2012 ON THE FILE OF THE III
ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, DEVANAHALLI,
C/C IIND ADDITIONAL SENIOR CIVIL JUDGE AND JMFC,
DEVANAHALLI, PARTLY DECREEING THE SUIT FOR
COMPENSATION.

THIS REGULAR FIRST APPEAL IS COMING ON FOR
ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN
AS UNDER:



CORAM: HON'BLE MR. JUSTICE HANCHATE SANJEEVKUMAR

ORAL JUDGMENT

The present appeal is filed by the defendants against the judgment and decree dated 28.07.2023 passed in O.S.No.178/2012 by the III Additional Senior Civil Judge and JMFC, Devanahalli, whereby the defendants have been directed to pay compensation to the plaintiff.

2. The suit filed for compensation was partly decreed by awarding compensation of Rs.10,00,000/- (Rupees Ten Lakhs only), along with interest at the rate of 6% per annum, on account of the death of Neelappa due to electrocution.

3. Heard learned counsel for the appellants.

4. It is the case of the plaintiffs that plaintiff No.1 is the wife, plaintiff Nos.2 to 5 are the children of late Neelappa. Deceased Neelappa was a coolie. He owned some goats and he was maintaining the family out of his income from his coolie work and rearing goats. It was alleged in the plaint that on 29.01.2005 about 8.00 a.m the said Neelappa climbed a tree to



pluck green leaves for feeding the goats. When he was plucking green leaves, accidentally he came in contact with a live high tension wire passing through the leaves of the tree. As a result, he suffered electrocution and he died at the spot. It is alleged that due to poor and improper maintenance of the high tension wire by the defendants and also due to negligence in not covering the same with proper insulation, the accident occurred. Therefore, the plaintiffs filed suit for compensation.

5. The defendants - appellants though received summons from the trial Court but they have not appeared and have not filed written statement. The defendant Nos.1 and 3 have appeared but not filed written statement and either contested the suit.

6. Based on the pleadings of the parties, the trial Court has framed the following points for consideration:

- i. Whether the plaintiffs prove that, due to the act of the defendants, Neelappa died of electrocution?*
- ii. Whether the plaintiffs are entitled to the relief?*
- iii. What order or decree?*



7. To prove the case of prosecution, plaintiff No.1 has been examined as PW-1 and got marked the documents as Exs.P1 to P18. The defendants have not led any evidence.

8. The trial Court after appreciating the evidence on record has come to a conclusion that there is negligence on the part of the defendants as they have not maintained high electrocution wire properly and therefore the electrocution is due to negligent act of the defendants. In this regard, issued notice to the defendants. On notice defendant No.1 has not appeared and hence placed ex-parte. The defendant No.2 appeared but has not filed any written statement.

9. In support of the oral evidence, the documents are marked as Exs.P1 to P18. After hearing both the parties, the trial Court partly decreed the suit for compensation and directed the defendants to pay compensation of Rs.10 lakhs with interest @ 6% per annum from the date of the order till the date of realization.



10. Aggrieved by the judgment and decree passed by the trial, the defendants have preferred the present appeal, calling the same in question on various grounds.

11. Learned counsel for the appellants submitted that there is no evidence to establish any negligence on the part of the defendants. It was contended that the mere fact that the deceased suffered electrocution and died would not, by itself, lead to the conclusion that the defendants were negligent, particularly in the absence of any evidence proving such negligence. It was further submitted that the trial Court has not properly appreciated the evidence on record while recording its findings on negligence. Learned counsel further contended that there is no documentary evidence regarding the income of the deceased. It was argued that the compensation awarded by the trial Court is arbitrary, as there is no basis or calculation disclosed in the judgment to justify the award of Rs.10,00,000/- towards compensation. On these grounds, learned counsel prayed for allowing the appeal by setting aside the impugned judgment and decree.



12. After hearing the arguments, the following points arises for consideration:

- i. Whether the plaintiffs proved that deceased died due to electrocution due to negligent of the defendants?
- ii. Whether the plaintiffs are entitled to the relief of compensation as decreed by the Trial Court?

13. The deceased was a coolie. It is the case of the plaintiff that deceased had climbed the tree to pluck the green leaves and accidentally came in contact with a live high tension wire passing through the leaves of the tree. As a result, he suffered electrocution and died at the spot. Therefore, it is alleged that the deceased died due to electrocution. Plaintiffs are the wife and children of the deceased. Exs.P5 to P13 is the representation given before Deputy Commissioner, Bengaluru Rural District seeking for compensation in respect of the death of Neelappa. Ex.P7 to P13 are the legal notice and postal acknowledgments calling upon them to pay the compensation on account of death of the Neelappa. Ex.P15 is the post mortem report.



14. All these documents prove that deceased died due to electrocution. Ex.P18 is the endorsement issued by Tahasildar, Devanahalli taluk stating that plaintiffs have no property and they are living by doing a coolie work. Therefore, due to death of deceased, the entire family has suffered hardship, much loss, mental agony as the only bread earner of the family died due to live high tension wire electrocution. It is the duty of the defendants to maintain live high tension wire properly. If any other objects like trees, and its leaves are touching the live wire, then it is the duty of the defendants to see that the trees with the leaves are not touching the live wire and to maintain high velocity tension is free from endanger but in the present case, the documents produced prove that the defendants have not taken any care and caution to maintain live high tension wire properly and they have allowed the tree touch to the live wire tension. Growth of the tree is natural phenomenon and it is bounden duty of the defendant to see that no object touch the high tension wire. The defendants knew very well on which land the live high tension wire is passing through. Therefore it is bounden duty to maintain the live high tension wire properly. Therefore, the plaintiffs prove



that due to negligence of the defendants and due to such negligence the deceased got electrocuted and died on the spot. Therefore, the reasons given by the trial Court that due to negligence of the defendants the deceased died and decreed the suit for compensation by ordering rupees 10 lakhs with interest @ 6% per annum from the date of this order till the date of realization.

15. Though the trial Court has not made any calculation to arrive to the quantum of the compensation, but the deceased cannot be treated as a non-earning person. Even in the absence of documentary proof of income, his notional income could reasonably be assessed with reference to the minimum wages applicable at the relevant point of time. Having regard to the age of the deceased, the appropriate multiplier, and the deduction towards personal and living expenses, the compensation payable would, in fact, exceed Rs.10,00,000/-. Therefore, the compensation of Rs.10,00,000/- awarded by the Trial Court cannot be said to be excessive or arbitrary and does not warrant interference. Therefore, the trial Court has ordered just and reasonable amount of



compensation and that too with minimum interest @ 6% per annum. Therefore, on quantum also the trial Court has not done any error. Therefore, on these grounds there is no error found in the judgment and decree passed by the trial Court. Accordingly, point Nos.1 and 2 are answered in the 'affirmative' and proceed to pass the following:

ORDER

The appeal is ***dismissed***.

Sd/-
(HANCHATE SANJEEVKUMAR)
JUDGE