

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.BHAVADASAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

CRP.No. 430 of 2008 ()

O.P. (ELE) NO.154/2001 OF ADDITIONAL DISTRICT COURT, THODUPUZHA.

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REVISION PETITIONER/RESPONDENT:

KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY THE SECRETARY,
KERALA STATE ELECTRICITY BOARD,
THIRUVANANTHAPURAM.

BY ADV. SRI.PULIKOOL ABUBACKER, SC, KSEB.

RESPONDENT/PETITIONER:

GOPINATHAN. K.N., S/O.NARAYANAN,
AGED 61 YEARS, KULATHUMURIYIL HOUSE,
PANICKANKDUY (H), KONNATHADY PO.,
UDUMBANCHOLA TALUK.

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 05-02-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

rs.

P.BHAVADASAN, J.

C.R.P. No. 430 of 2008

Dated this the 05th day of February, 2015

ORDER

Aggrieved by the award dated 01.09.2004, in O.P.(Ele.) No. 154/2001, the respondent Board has come up in revision before this Court.

2. The main grievance of the Board is that the principle adopted by the court below in evaluating the enhanced compensation that is available to the petitioner is based on the principle laid down in **Kumba Amma v. Kerala State Electricity Board** [2000 (1) KLT 542]. It is contended that the said decision has been overruled in Livisha's case and the Board would say that the principle laid down in Livisha's case ought to have been applied.

3. On going through the order of the court below, it is found that the court has applied the principle laid down in **Kumba Amma's** case (cited supra) and has directed the party to calculate the compensation due to him on that

basis. One cannot omit to note that at the relevant time, **Kumba Amma**'s case held the field and if the court below therefore applied the principle laid down in that decision, it could not be found fault with. A later decision overruling the earlier decision is not a ground to interfere with the award. Apart from that aspect, it is seen that the court below has accepted a statement filed by the claimants before it to arrive at a conclusion that petitioner before it was entitled to a total compensation of ₹ 95,974/-. The said statement has not been produced before this Court for scrutiny. Therefore, this Court is not in a position to ascertain whether there is any error in the calculation of compensation arrived at by the court below. Further, the Board has already paid him ₹48,520/-. The court below therefore held that the petitioner is entitled to an enhanced amount of ₹ 47,454/- with 9% interest from 11.02.1999.

4. One needs to be noticed that the proceedings are of the year 2001. We are in 2015. For a paltry amount of

₹47,000/- and odd, it will be quite imprudent for this Court to interfere and set aside the order and seek a recalculation of the amount due to the petitioner. No substantial injury is caused to the petitioner before this Court warranting interference in this revision.

This revision petition is without merits and it is accordingly dismissed.

Sd/-
P.BHAVADASAN
JUDGE

ds

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P.A. to Judge