

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2016

CORAM

THE HON'BLE Mr. JUSTICE SATISH K.AGNIHOTRI

and

THE HON'BLE Dr. JUSTICE P.DEVADASS

W.A.No.191 of 2014

and

M.P.Nos.1 of 2014 and 1 of 2015

The Chairman,
Tamil Nadu Generation of Energy and
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai - 2. ..Appellant/Respondent

Vs.

P.Sundari ..Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent against
the order dated 29.11.2013 made in W.P.No.32405 of 2012.

W.P.No.32405 of 2012:-

Writ Petition filed under Article 226 of the Constitution of
India, for the issuance of Writ of Mandamus directing the
respondent to pay compensation of Rs.5,00,000/- with 18%
interest from the date of death of the petitioner husband i.e.
14.4.2011 to the petitioner.

For Appellant .. Mr.P.R.Dhilip Kumar

For Respondent .. Mr.R.Jaikumar

JUDGMENT

(Judgment of the Court was delivered by SATISH K.AGNIHOTRI, J.)

The instant appeal arises from the order dated 29 November 2013 passed in W.P.No.32405 of 2012.

2.The writ petitioner/respondent herein filed the writ petition seeking compensation on the death of her husband on the fateful day i.e. 14 April 2011.

3.The incontrovertible facts are that high voltage wire maintained by the appellant Board was broken and fell on the house of the writ petitioner/respondent herein, which resulted into the death of her husband. The husband of the writ petitioner/respondent was working as an Operator in Madras Lamps Private Limited and receiving a salary of Rs.6,235/- per month. On account of the ill maintenance of the wires by the appellant Board herein, the sole breadwinner of the family became the victim of the said incident.

4.The learned single Judge, calculating the income of the husband of the writ petitioner/respondent, came to the conclusion that the compensation to the tune of Rs.7,20,000/- would be proper. Accordingly, by the impugned order, the appellant Board was directed to pay a sum of Rs.7,20,000/- with interest at 9% from the date of accident.

5.The learned standing counsel appearing for the appellant Board submits that the writ petitioner/respondent has sought for a compensation only to the tune of Rs.5,00,000/-. However, awarding compensation more than what is sought for is erroneous and the same deserves to be quashed.

6.On the other hand, Mr.R.Jaikumar, learned counsel appearing for the writ petitioner/respondent would submit that the respondent, being an illiterate lady, was not in a position to compute the loss suffered on account of the death of her husband. Even otherwise, the writ petitioner/respondent has sought for a compensation to the tune of Rs.5,00,000/- with 18% interest. The learned single Judge has awarded Rs.7,20,000/-

with 9% interest. If the writ petitioner/respondent is awarded interest at the rate of 18% on the sum of Rs.5,00,000/-, the total amount would be much more than the interest at the rate of 9% on Rs.7,20,000/-. Hence the contention of the learned Standing Counsel appearing for the appellant Board that the compensation awarded is more than what is sought for is not correct.

7. We have examined the contentions advanced by the learned counsel for the parties and perused the pleadings and documents appended thereto.

8. The Supreme Court of India, while examining the identical facts in M.P. Electricity Board Vs. Shail Kumari¹, whereunder one Jogendra Singh became the victim of the negligence of the Electricity Board, held that the Electricity Board was responsible to compensate and accordingly, the compensation of Rs.4.34 lakhs was granted for an accident which had taken place on 23 August 1997. The instant accident had taken place recently in April 2011. Taking the price index into consideration, the amount of Rs.7,20,000/- awarded as compensation is much less. The value of human life cannot be computed in terms of money. Since there is no cross-appeal or cross-objection by the writ petitioner/respondent herein, we are not inclined to reconsider the total amount awarded to the writ petitioner/respondent. The order rendered by the learned single Judge, sought to be impugned herein is unexceptionable, warranting no interference. Thus the writ appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

9. It is stated that a sum of Rs.5,00,000/- with interest at the rate of 9% has been paid. The remaining sum of Rs.2,20,000/- with interest is yet to be paid. Accordingly, we direct the appellant Board to make the payment of the remaining amount with interest from the date, as ordered by the learned single Judge, within a period of four weeks from the date of receipt of a copy of this order.

sd/-
Assistant Registrar (Cs-III)

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Sub-Assistant Registrar

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1 (2002 (2) SCC 162)

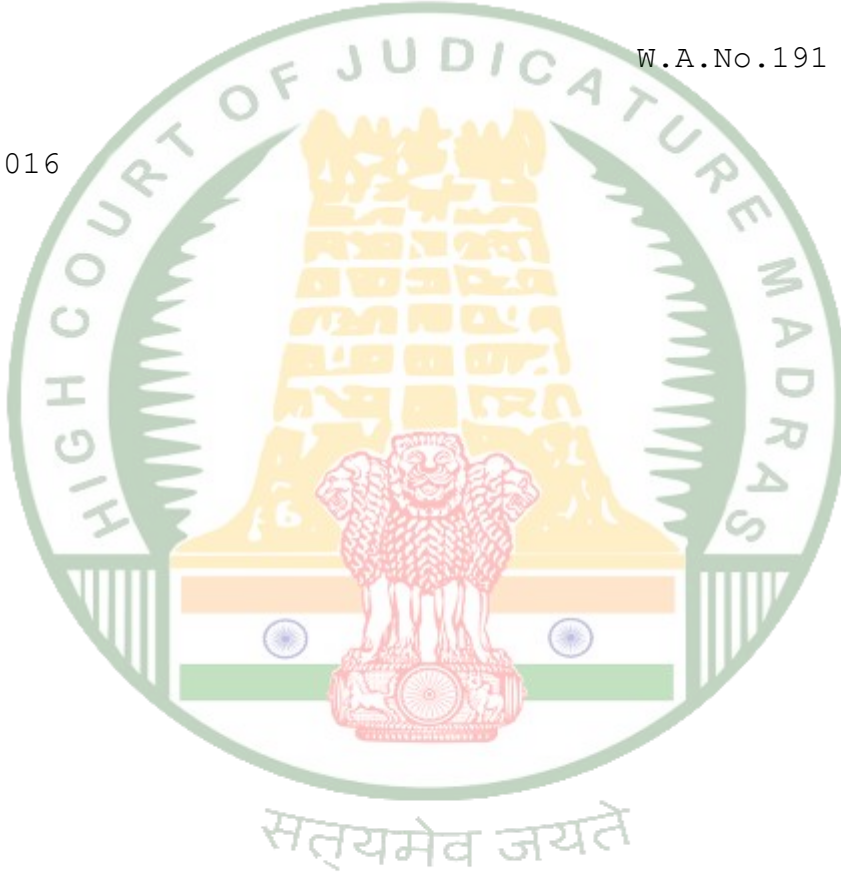
To,

The Chairman,
Tamil Nadu Generation of Energy and
Distribution Corporation (TANGEDCO),
Anna Salai, Chennai - 2.

+1 CC to MR.P.R.Dhilip Kumar Advocate. SR.NO.3912
+1 CC to MR.T.Fenn Walter Associates. SR.NO.3948

W.A.No.191 of 2014

CO-SKV
JD 08/02/2016



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