

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P No.40977 of 2016

1.G.Ramesh

2.G.Saraswathi

...PETITIONERS

Vs

1.The Chairman cum Managing Director,
Tamil Nadu Generation Distribution
Corporation Limited, Anna Salai,
Chennai - 600 002.

2.The Chief Engineer/Distribution,
Chennai North Region,
Tamil Nadu Generation Distribution
Corporation Limited, Anna Salai,
Chennai - 600 002.

3.The Superintending Engineer,
Chennai Electricity Distribution
Circle/West,
Tamil Nadu Generation Distribution
Corporation Limited, Anna Salai,
Chennai - 600 002.

4.The Executive Engineer,
Electricity Distribution Circle,
Tamil Nadu Generation Distribution
Corporation Limited, Mogappair West,
Chennai - 600 037.

...RESPONDENTS

Writ petition is filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to pay compensation of Rs.20,00,000/- to the petitioners herein for the death of their parents within the stipulated period as fixed by this Hon'ble Court.

For Petitioners : Mr.S.Parthasarathy

For Respondents : Mr.P.R.Dhilipkumar

O R D E R

The petitioners are son and daughter of one Nalini Govindan. The petitioners' mother Nalini Govindan was working as LASCAR in Southern Railways at Perambur Carriage Works and their father was an auto driver. On 17.05.2016, when both of them were walking on the road to reach the bus stand, near their house, at No.1/286, an electric wire was broken and fallen in the street and due to the electric shock, both of them died on the spot. Therefore, the second petitioner lodged a complaint on 17.05.2016 with Nollambur Police Station and a case was registered in Crime No.319 of 2106.

2. The petitioners' mother was aged 54 years and father was 65 years and they were taking care of the family and therefore the first petitioner made representation to the respondents on 09.06.2016 seeking compensation to the tune of Rs.20,00,000/-. Even though the second respondent herein forwarded the representation of the first petitioner to the third respondent on 23.06.2016, so far no action has been taken, compelling the petitioners to approach this court by way of this writ petition.

3. When the matter was taken up on the earlier occasion, it was pointed out by the learned standing counsel for the respondents that it is not possible to grant Rs.20,00,000/- as compensation to the petitioners since both the petitioners are major and they are capable of maintaining themselves and if at all, they are entitled only to loss of love & affection and not under any other heading, even as per the Motor Vehicles Act.

4. It is further submitted by the learned standing counsel that already a proposal was given to the petitioners offering to pay a sum of Rs.4,00,000/- together, for the death of their parents, however, the same was declined by the petitioners. Hence, this court directed the learned counsel for the petitioners to get instructions in this regard. Thus, the matter has come up before this court today.

5. When the matter is taken up today, Mr.S.Parthasarathy, learned counsel appearing for the

petitioners filed an affidavit sworn in by the first petitioner agreeing to receive Rs.4,00,000/- as full and final settlement towards claim for the death of their parents. Para 2 and 2 of the affidavit are usefully extracted as follows -

2. I submit that I and my sister (2nd petitioner) filed the above said writ petition for direction directing the respondents to pay compensation of Rs.20,00,000/- to us for the death of our parents within stipulated period as fixed by this Hon'ble Court.

3. I further submit that, I am ready to receive a sum of Rs.4,00,000/- as a full and final settlement towards the claim for the death of my parents and I undertake that I will not make any further claim with the respondents before any of the Courts.

6. Two banker's cheque bearing Nos.96453 & 96454 dated 26.01.2016 each to the tune of Rs.2,00,000/- drawn on Indian Overseas Bank, Shanthi Colony Branch, Anna Nagar, Chennai - 600 040 drawn in favour of the first and second petitioner respectively, have been produced before this Court and the same have been handed over to Mr.S.Parthasarathy, learned counsel for the petitioners.

7. Since the petitioners have filed an affidavit dated 30.11.2016 agreeing to receive the compensation to the tune of Rs.4,00,000/- and the same has been tendered by way of banker's cheque which was handed over to the learned counsel for the petitioners across the bar, no further order is necessary.

8. This writ petition is disposed of accordingly. No costs. Consequently, W.M.P is closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

rgr

To

1.The Chairman cum Managing Director,
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Corporation Limited, Mogappair West,
Chennai - 600 037.

+1cc to Mr.S.Parthasarathy, Advocate, S.R.No. 70426

+1cc to Mr.P.R.Dhilipkumar, Advocate, S.R.No. 70635

W.P No.40977 of 2016

VGI (CO)
PSI (28/12/2016)

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