



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P (MD) No.12486 of 2011

1.Nila

2.Muthuselvi

... Petitioners

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
Anna Salai, Chennai.

2. The Assistant Engineer (Distribution),
Tamil Nadu Electricity Board,
Gudalur, Uthamapalayam Taluk,
Theni District.

3. The Executive Engineer (Distribution),
Tamil Nadu Electricity Board,
Chennamannur,
Theni District.

4. The Superintending Engineer,
Theni Distribution Circle,
Tamil Nadu Electricity Board,
N.R.T. Nagar,
Theni.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioners by way of compensation for the death of Late.K.Gopal, who is the husband of the first petitioner herein, who lost his life due to electrocution.

For Petitioners	: Mr.G.Vanjinathan
For Respondents	: Mr.S.Srimathy

ORDER

The petitioners, who are the wife and daughter of one K.Gopal, have come forward with this petition seeking compensation for the death of the said Gopal by electrocution.



2. According to the petitioners, the said Gopal was an agriculturist and when he was sitting on the street corner along with his friends on 08.08.2008, the overhead electric wire snapped and fell on him. As a result of the same, he suffered injuries and he died while he was being taken to the hospital. The post-mortem report also shows that the said Gopal died out of electrocution.

3. It is also claimed that the F.I.R was registered under Section 174 of the Code of Criminal Procedure in Cr.No.139 of 2008 by Gudalur South Police Station. By claiming that the snapping of the electric wire was due to negligence on the part of the respondents, the petitioners have sought for a compensation of Rs.5,00,000/- (Rupees Five Lakhs only).

4. The second respondent, namely, the Tamil Nadu Electricity Board has filed counter, wherein it is contended that negligence has to be proved by evidence and therefore, this Court cannot grant compensation under Article 226 of the Constitution of India.

5. The accident is not in dispute. The fact that the overhead electric wire got snapped and fell on the deceased Gopal and he died out of electrocution, is not in dispute.

6. This Court has, time and again, held that in such cases, where there is a snapping of electric lines, negligence on the part of the Electricity Board can be presumed and the parties need not be driven to civil forum.

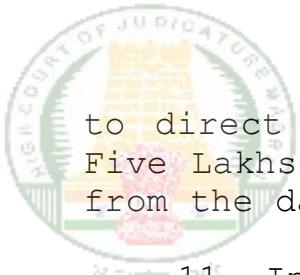
7. This writ petition is pending for more than six years and therefore, I do not think that it is proper to drive the parties to civil forum at this distant point of time.

8. It is claimed that the deceased Gopal was earning a sum of Rs.5,000/- (Rupees Five Thousand only) per month and he was 51 years old.

9. Considering the recent decisions of the Honourable Supreme Court under the Motor Vehicles Act, 1988, wherein it has been held that in case of illiterate person, the monthly earnings can be presumed as Rs.6,000/- (Rupees Six Thousand only) and after deducting, 1/3rd amount towards his personal expenses, a sum of Rs.4,000/- (Rupees Four Thousand only) would be the contribution to the family and the annual loss of dependency would be Rs.48,000/- (Rupees Forty Eight Thousand only). The appropriate multiplier under the Motor Vehicles Act is '11' for a person aged 51 years. If so calculated, the compensation works out to Rs.5,28,000/- (Rupees Five Lakhs and Twenty Eight Thousand only).

<https://hcservices.ecourts.gov.in/hcservices/>

10. The petitioners have claimed only a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as compensation. Therefore, I deem it fit



to direct the respondents to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) to the petitioners within a period of eight weeks from the date of receipt of a copy of this order.

11. In the result, this writ petition is allowed as above. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Chairman,
Tamil Nadu Electricity Board,
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Tamil Nadu Electricity Board,
N.R.T. Nagar,
Theni.

+ 1 CC TO Mr.S.M.S.JOHNNEY BASHA, ADVOCATE in SR.No. 60490
+ 1 CC TO Mr.G.VANJINATHAN, ADVOCATE IN SR No. 60260

RSB

TE/KKR/SAR-I : 21/06/2017 : 3P/7C

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