

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.01.2018

CORAM:

THE HON'BLE MR.JUSTICE **K.K.SASIDHARAN**  
AND  
THE HON'BLE MR.JUSTICE **P.VELMURUGAN**

**W.A No.357 of 2017 and**  
**CMP No.5438 of 2017**

1.The Chairman  
Tamil Nadu Generation of Electricity  
and Distribution Corporation,  
Anna Salai, Chennai - 600 002.

2.The Superintending Engineer,  
Tamil Nadu Generation of Electricity  
and Distribution Corporation,  
Villupuram District, Villupuram.

3. The Assistant Executive Engineer,  
Tamil Nadu Generation of Electricity  
and Distribution Corporation,  
Kandamangalam, Villupuram Taluk  
and District.

...Appellants

Vs

P.Santhi

...Respondent

**Prayer:-** Writ Appeal filed under clause 15 of the Letter Patent to set aside the order dated 04.11.2016 made in W.P.No.32780 of 2015.

For Appellant : Mr.M.Varunkumar

For Respondents : Mr.D.S.Thirumavalavan

**J U D G M E N T**

(made by K.K.SASIDHARAN,J.)

The learned single Judge directed the appellants to pay compensation to the respondent on account of the electrocution of her husband on 19 July 2013 as the incident in question took place on account of snapping of electric line due to the poor maintenance by the officials of the Tamil Nadu Generation of Electricity and Distribution Corporation.

2. The respondent is the wife of Thiru.Periyasamy. The deceased was proceeding to the land owned by Thiru.Selvakumar. While passing through the said land, the electric line got snapped and it had fallen on the land. The deceased touched the live line and immediately, he was electrocuted. The post mortem report indicates the cause of death as electrocution.

3. The respondent filed a writ petition claiming a sum of Rs.20,00,000/- for the death of her husband. He was aged about 47 years as on the date of electrocution. He was working as a Cement

Worker in Aurobindo Ashram, Pondicherry. The deceased was drawing a sum of Rs.6,729/- per month. He was survived by his mother, the respondent and two children. The certificate issued by the Management was taken note of by the learned single Judge.

4. The learned single Judge decided the question of negligence on the basis of the materials available on record. Thereafter, the learned single Judge by following the multiplier method determined the compensation payable to the respondent. The learned Judge directed the appellants to pay a sum of Rs.15 lakhs to the respondent with interest @ 9% per annum from the date of death till the date of payment. Feeling aggrieved, the appellants have come up with this intra court appeal.

5. The appellants have taken up a contention that the writ petition involves disputed questions and as such, the respondent should be directed to file a civil suit. There is absolutely no merit in the said contention. The counter affidavit filed by the jurisdictional Engineer clearly indicates the negligence on the part of the officials in maintaining the line.

6. The learned single Judge in Paragraph 6 of the order discussed the reasons which made him to arrive at a finding that it was only on account of the negligence of the appellants, the electrocution took place. We are in agreement with the views expressed by the learned single Judge with respect to the negligence and the liability.

7. The next question relates to the quantum. The deceased was employed in Aurobindo Ashram, Pondicherry. The Management has issued a certificate indicating the basic salary of the deceased at Rs.6,729/-. The deceased was aged about 47 years. The learned single Judge considered the wages earned by the employee at the relevant point and taking into account the future prospects determined the compensation. The time tested procedure was adopted by the learned Judge in the matter of determination of compensation. We fully endorse the view expressed by the learned single Judge with respect to the amount of compensation.

8. It would be appropriate to quote the observation of the Supreme Court in **R.K. Malik and another v. Kiran Pal and others**

**[(2009) 14 SCC 1]**, which reads thus:

"**26.**While quantifying and arriving at a figure for "loss of expectation of life", the court has to keep in mind that this figure is not to be calculated for the prospective loss or further pecuniary benefits that have been awarded under another head i.e. pecuniary loss. The compensation payable under this head is for loss of life and not loss of future pecuniary prospects. Under this head, compensation is paid for termination of life, which results in constant pain and suffering. This pain and suffering does not depend upon the financial position of the victim or the claimant but rather on the capacity and the ability of the deceased to provide happiness to the claimant. This compensation is paid for loss of prospective happiness which the claimant/victim would have enjoyed had the child not died at the tender age."

9. The learned single Judge directed the appellants to pay interest at the rate of 9% per annum from the date of death till the date of payment. We modify the said direction by directing payment of interest @ 9% from 15 July 2015, the date on which the respondent submitted representation to the appellants for payment of compensation. The order is confirmed in all other respects.

10. The intra court appeal is allowed to the limited extent

indicated above. The appellants are directed to pay the compensation amount, less the amount already deposited, within a period of six weeks from the date of receipt of a copy of this judgment. The respondent is permitted to withdraw the amount deposited by the appellants before this court along with interest accrued. No costs. Consequently, connected miscellaneous petition is closed.

**(K.K.SASIDHARAN.,J.) (P.VELMURUGAN.,J.)**

**12 January 2018**

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and  
**P.VELMURUGAN,J.**

(svki)



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