

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.31563 of 2013

Egavalli

...Petitioner

Versus

1.The Collector,
Kanchipuram District,
Kanchipuram.

2.The Chairman,
Tamilnadu Electricity Board,
Annasalai,
Chennai -2.

3.The Assistant Engineer,
Tamilnadu Electricity Board,
Tambaram Division,
Chennai - 45.

4.The Junior Engineer,
Tamilnadu Electricity Board,
Selaiyur Section,
Selaiyur,
Chennai - 73.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents 2 to 4 to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs only) along with interest.

(Prayer amended as per order of this Court dated 21.3.2018 in W.M.P.No.7830 of 2018 in W.P.No.31563 of 2013)

For Petitioner : Mr.K.S.Jeyaganeshan
For Respondents : Mr.V.Shanmuga Sundar
Special Government Pleader, for R1
Mr.S.K.Rameshuwar,
Standing counsel for R2 to R4

O R D E R

This writ petition has been filed seeking for compensation of Rs.5,00,000/- (Rupees Five Lakhs only) for the death of the petitioner's husband due to electrocution on 22.01.2003.

2. Heard Mr.K.S.Jeyaganeshan, learned counsel for the petitioner, Mr.V.Shanmuga Sundar, learned Special Government Pleader appearing for the first respondent and Mr.S.K.Rameshuwar, learned Standing counsel appearing for the respondents 2 to 4 and perused the records.

3.The case of the petitioner is that her husband was working as an Office Assistant in T.B.Hospital, Sanitorium, Chennai -47. On 22.01.2003 when he had gone to his village to visit their fields, he came in contact with live broken wire and died on the spot. The accident was duly informed to the Selaiyur Police Station and a case was registered in Crime No. 34 of 2003, under Section 174 Criminal Procedure Code. The Post-mortem report also reveals that the petitioner's husband died due to electrocution. Despite representation of the petitioner dated 22.10.2013, no compensation was paid, hence, the present writ petition.

4. In the counter affidavit filed by the second respondent, it is stated that this writ petition has been filed after a lapse of ten years and the accident occurred due to the Act of God. Hence, the respondents are not liable to pay the amount. It is further stated that the disputed question of fact, has to be resolved only by the Competent Civil Court.

5. In the case on hand, perusal the First Information Report and the Post-mortem report annexed in the typed set of papers reveals that the petitioner's husband died due to electrocution on 22.1.2003. This fact is not disputed by the respondents. Though the petitioner has stated that her deceased husband had worked as an Office Assistant in T.B.Hospital, Sanitorium, Chennai, no document has been produced to establish the fact.

6. On a perusal of the records further shows that the deceased died at the age of 55 years. The petitioner has not produced any proof to prove the income of the deceased. Considering the facts, it would be appropriate to fix Rs.7,500/- per month as notional income of the deceased and after deducting 1/3 towards personal income of the deceased, the contribution to the family is taken at Rs.5,000/- per month. Following the decision of the Apex Court in Sarala Verma & Others Vs. Delhi Transport Corporation & Another [CDJ 2009 SC 779], by applying multiplier 8, this Court awards compensation of Rs.4,80,000/-.

7. In view of the above findings, the respondents ***3 and 4** are directed to pay compensation of Rs.4,80,000/- (Rupees four

lakhs eighty thousand only) within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. However, there shall be no order as to costs.

28/03/2018

Sd/-

Assistant Registrar(Cs III)

Corrected as per order
of this court dated 19.06.18
sd/-
Assistant Registrar(CS VI)
20/06/2018

//True Copy//

Sub Assistant Registrar

ms

To

1.The Collector,
Kanchipuram District,
Kanchipuram.

Corrected order to be
substituted to the order
Already despatched on
06/06/2018.

2.The Chairman,
Tamilnadu Electricity Board,
Annasalai,
Chennai -2.

3.The Assistant Engineer,
Tamilnadu Electricity Board,
Tambaram Division,
Chennai - 45.

4.The Junior Engineer,
Tamilnadu Electricity Board,
Selaiyur Section,
Selaiyur,
Chennai - 73

+1cc to Mr.K.S.Jeyaganeshan, Advocate Sr.No.23769
+1cc to Mr.S.K.Rameshuwar, Advocate SR.No.23842
+1cc to Government Pleader SR.No.24321

RK(CO)

sm:15.5.2018

nr 20/06/2018

W.P.No.31563 of 2013