

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

SECOND APPEAL No.619 of 2011

JUDGMENT:

The appellants are the defendants in OS.No.279 of 2004 on the file of Principal Senior Civil Judge, Ananthapur, in the suit filed by the respondent as sole plaintiff injured in the electrocution. The accident was dated 14.07.1999 by then he is aged about 18 years including as per Ex.A2 his claim is confined to Rs.3,00,000/- compensation though calculation is more than that. The trial Court decreed the suit on 31.01.2007 for Rs.2,84,200/- and the defendants preferred appeal before the learned I Additional District Judge, Ananthapur, in AS.No.18 of 2018 and went unsuccessful from the concurrent findings of the first appellate Court also. It is impugning the said concurrent findings, the present Second Appeal is filed by the APTRANSCO presently APSPDCL and the Superintending Engineer of it of Anantapur who are the defendants with modified name supra.

The substantial questions of law formulated by this Court while admitting the appeal is particularly on issue No.3 as to whether Courts below erred in assessing the quantum of compensation and granting the amount which is not reasonable by the appellants. For more clarity, issue No.3 framed before the trial court in this regard was whether the plaintiff entitled to the compensation as prayed for. It is proceeded by the issues, suffered permanent disability and it

is outcome of the negligence of the defendants. So far as the present disability and outcome of the negligence of the defendants concerned, there is no question of law raised before the second appeal nor formulated. Thereby it attained finality. Now coming to the quantum of Rs.2,84,200/- sustainable or not is the only issue in the SA from the question of law supra. Once as per Ex.A2 by the date of accident the injured was aged about 18 years a major and what the trial Court taken the earnings at Rs.50/- per day even an agricultural coolie of average Rs.1,500/- per month and the expression of this Court another Bench in **A.P. Electricity Board v. Y.Venu Kumar**¹ that the multiplier system in arriving applicable to the motor accident claims can be adopted the accident to the electrocution once not in dispute and as per the expression of the Apex Court in **Lata Wadhwa v. State of Bihar**². The expression of the Apex Court is very clear even domestic contribution of a house wife where no earnings proved be taken minimum Rs.3,000/- per month and Rs.1,500/- per month taken by the trial Court and confirmed by the lower Court no way require interference, but for enhancement in the absence of any cross appeal by the plaintiff for the court other than to confirm cannot enhance in view of that matter what was compensation with

¹ 2006 (3) ALD 710

² AIR 2001 SC 3218

the concurrent findings by the Courts below is far less even this Court cannot enhance for want of cross objections.

Having regard to the above, this Second Appeal is dismissed with no costs. Time granted of two months from date of receipt of this order to deposit the balance amount.

Miscellaneous petitions, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 28.08.2018
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