



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.17521 of 2016

Panchavarnam

... Petitioner

Vs

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

2.The Superintending Engineer
Tamil Nadu Electricity Board,
Ramanathapuram District.

3.The Executive Engineer,
Tamil Nadu Electricity Board,
Valinokkam Division,
Ramanathapuram District..

4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Valinokkam,
Ramanathapuram District.

5.The District Collector,
Ramanathapuram District.

... Respondents

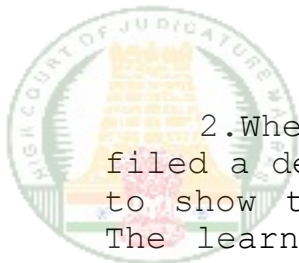
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to provide Rs.25 lakhs compensation to the petitioner for the death of her husband namely Kannan, son of Ayyadurai, aged 47 years within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mrs.Rajeswari
for Mr.S.M.S.Johnny Basha

ORDER

The petitioner's husband died due to electrocution. The petitioner wants the respondent to pay compensation for the aforesaid unfortunate accident that led to the death of her husband.



2. When the matter was taken up for hearing, the respondents filed a detailed counter contending that there is nothing on record to show that the petitioner's husband died due to electrocution. The learned standing counsel placed considerable reliance on two aspects. According to the respondents, there was no mark on the body of the deceased indicating the exit point. The other major contention is that the blood was found in the heart chamber of the deceased. If really the petitioner's husband died due to electrocution, there would not be any trace of blood in his heart.

3. The learned counsel appearing for the petitioner placing reliance on the Modi's Medical Jurisprudent and Toxicology, pointed out that exit mark may be absent in some cases. It is also not necessary that in all cases of electrocution, there will not be blood in heart chamber. On the other hand in atleast one case, the postmortem finding was that there was blood in the heart chamber. Therefore, the contention raised by the learned standing counsel appearing for the respondent does not appear to have a firm scientific basis. In this case, the postmortem certificate had categorically opined that the deceased died only on account of electrocution. The postmortem certificate is enclosed in the typed set of papers. Therefore, applying the principle of absolute liability, I hold that the respondents are obliged to pay compensation to the legal heirs of the deceased Kannan.

4. The deceased Kannan was aged about 46 years at the time of accident. There is no proof indicating that what he was earning during the relevant time of electrocution. Therefore, this Court would be justified in coming to the conclusion that he was earning a sum Rs.6,500/- at the time of accident. Since the deceased had four dependents, this Court will have to make 1/4th deduction from his monthly earning. It comes to Rs.4,875/-. Adding future prospects at the rate of 40%, the monthly income comes to Rs.1,950/- and the total monthly comes to Rs.6,825. Applying the multiplier 14, the pecuniary loss comes to Rs.11,46,600/-. The claimants would be entitled to conventional damages at Rs.70,000/-. (As per the decision of the Hon'ble Supreme Court reported in 2017 SCC Online SC 1270 (National Insurance Company Ltd. vs. Pranay Sethi and others). Therefore, the total compensation would come to Rs.12,16,600/-.

5. Accordingly, the petitioner is entitled to a sum of Rs.6,16,000/- together with interest at the rate 6% per annum from the date filing of the petition till the date of realisation by the respondents and the remaining sum of Rs.6,00,000/- will be taken in equal shares by other three legal heirs of the deceased together with the interest at the rate 6% per annum from the date filing of the petition till the date of realisation. The entire compensation amount shall be disbursed by the respondents within a period of eight weeks from the date of receipt of a copy of this



6.The Writ Petition stands allowed. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

Ias

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
Chennai.
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Ramanathapuram District.
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Valinokkam Division,
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- 4.The Assistant Engineer,
Tamil Nadu Electricity Board,
Valinokkam,
Ramanathapuram District.
- 5.The District Collector,
Ramanathapuram District.

+1CC TO MR.S.M.S.JOHNNY BASHA, Advocate Sr. No.56491

+1CC TO MR.R.ALAGUMANI, Advocate Sr. No. 56740

W.P. (MD) No.17521 of 2016
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TR (25.04.2019) 3P 8C