

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

A.S.No.6 of 2002

JUDGMENT:

Heard both sides.

Perused the record.

This appeal is filed aggrieved by the judgment and decree dated 07-11-2001 passed in O.S.No.8 of 1999 on the file of Senior Civil Judge's Court, Medak, wherein the suit filed for payment of compensation was decreed in favour of the plaintiffs.

Learned counsel for the appellant/defendant would contend that though there is no negligence on the part of defendant-electrical cooperative society in subject death, compensation of Rs.1,20,000/- with interest at the rate of 6% per annum was granted in favour of the plaintiffs, which is erroneous and contrary to the facts and law and ultimately prayed to set aside the judgment and decree in the appeal.

Learned counsel for the respondents/plaintiffs would contend that there is medical evidence to substantiate the negligence on the part of defendant, who is the appellant herein and the Court below have rightly concluded all the issues and decreed the suit in favour of the plaintiffs. There is no infirmity and there is nothing to take a different view and ultimately prayed to dismiss the appeal.

In view of the submissions made by both sides, the following points are framed for determination:

1. Whether deceased Cherla Narayana died due to electrical shock?
2. Whether there was negligence on the part of defendant in electrocution of deceased Cherla Narayana?
3. Whether the judgment and decree passed in O.S.No.8 of 1999, dated 07-11-2001 by the Senior Civil Judge, Medak is liable to be set aside?

POINTS 1 to 3:

To substantiate the claim of compensation, the plaintiffs have examined Pws 1 and 2 and got marked Ex.A.1 CC of F.I.R., Ex.A.2 copy of legal notice, Ex.A.3 reply notice. There is no defence evidence from the side of appellant/defendant. As per the evidence of Pws.1 and 2 and documents marked as Ex.A1 to A-3, Cherla Narayana died due to electric shock. The date of electrical shock was on 03-09-1998 and said Narayana died while undergoing treatment on 17-09-1998 in Gandhi Hospital. There is record to show that on 03-09-1998 deceased Narayana was attending at agricultural well of one Begari Bhoomaiah and there was snap of electric wire belonging to the defendant. It shows that defendant has not taken proper care in maintaining the electrical supply and due to fall of electrical wire on the deceased resulted in electrocution and death of deceased Narayana. In this case, there is consistency in the evidence of Pws 1 and 2 and there is also record i.e.Ex.A.1 copy of F.I.R. reveals latches on the part of defendant. Under these circumstances, it can be safely concluded that Cherla Narayana died due to electrical shock

and it occurred due to latches on the part of defendant and its employees. Therefore, there is justification in granting compensation by the Court below and it has also properly assessed the compensation and awarded the same. There is no infirmity and there is nothing to take a different view.

In view of the above, the appeal is devoid of merits and liable to be dismissed.

In the result, the appeal is dismissed. No order as to costs. Miscellaneous petitions pending if any in this appeal shall stand closed.

DR. SHAMEEM AKTHER, J

29-01-2019
Nvl