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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

S.A.NO.36 OF 2017

AND

C.M.P.NO.574 OF 2017

1. The Tamil Nadu Electricity Board,
Rep. by its Chairman,
Having office at Anna Salai,
Chennai.
2. The Assistant Divisional Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Sirkali.
3. The Assistant Engineer,
Operation and Maintenance,
Tamil Nadu Electricity Board,
Arasur.

... Appellants/Defendants

.Vs.

1. Balu
2. Sakthivel
3. Sathiya
4. Minor Sathiyabalan

... Respondents/Plaintiffs

(4th respondent (minor) represented
by his Father and Natural
Guardian Balu/1st Respondent)

PRAYER:-

Second Appeal filed under Section 100 of Civil Procedure Code, 1908, against the judgment and decree dated 03.06.2015 made in A.S.No.12 of 2014 on the file of the District Judge, Nagapattinam and confirming the judgment and decree dated 10.02.2014, made in O.S.No.112 of 2012 on the file of Additional Subordinate Court, Mayiladuthurai.



For Appellants : Mr.V.Viswanathan

For Respondents : Mr.A.Muthukumaran

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JUDGMENT

This Second Appeal is filed by the defendants in suit in O.S. No.112 of 2012 on the file of the Additional Subordinate Court, Myiladuthurai to set aside the judgment and decree dated 03.06.2015 made in A.S. No.12 of 2014 on the file of the District Judge, Nagapattinam, confirming the judgment and decree dated 10.02.2014 made in O.S. No.112 of 2012.

2. Brief facts that are necessary for the disposal of this appeal are as follows:

The respondents in this appeal are the husband and children of one Smt.Kaliyammal who died on 27.01.2011. The respondents filed a suit in O.S. No.112 of 2012 on the file of Additional Sub Court, Mayiladuthurai, claiming compensation for a sum of Rs.5,00,000/- on the ground that the death of Smt.Kaliyammal was due to electrocution and that the accident was on account of gross negligence of the appellants in maintaining the transmission lines. It is specifically stated in the plaint that the defendants failed to maintain the electricity supply lines and the transmission cables and that the loss on account of the death of Smt. Kaliyammal has to be compensated by the appellants. The appellants contested the suit and denied the averments made in the plaint. According to the appellants, the maintenance work in the transformer was undertaken on 18.01.2011 and that the electricity supply lines were laid properly. The appellants also contended that the cause of death of the deceased Smt.Kaliyammal was not due to electrocution but due to sudden cardiac arrest. Stating that the cause of death was not due to electrocution, it was contended by the appellants that they are not liable to pay the compensation. The appellants have also disputed the income of the deceased at the time when she died.

3. The trial court after framing necessary issues, decreed the suit by directing the appellants to pay a sum of Rs.4,70,000/- to the respondents along with interest at 6% from the date of plaint. The trial Court also directed apportionment by specifying the sum for each of the respondents. Aggrieved by the same, the appellants preferred an appeal before the District Court, Nagapattinam in A.S. No.12 of 2014. The Appellate Court also concurred with the view of the trial Court and dismissed the appeal suit. Aggrieved by the same, the above second appeal is preferred.



determining the amount of compensation payable to victims affected by electrocution has followed the procedure which is applicable to a claim case arising out of motor accident. Therefore, this Court is inclined to modify the award only to the extent by adopting 14 as multiplier instead of 15 as determined by the Courts below. Learned counsel appearing for the respondents as well as the appellants agreed that if multiplier 14 is adopted, the compensation payable will be reduced by Rs.28,000/-. Therefore, this Court by confirming the findings of the Courts below, reduces the quantum of compensation by directing the appellants to pay a sum of Rs.4,42,000/- with interest at 6% from the date of plaint. The other directions regarding apportionment remain unaltered.

8. Accordingly, the Second Appeal is partly allowed with the modification as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar (TNMCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Judge,
The District Court,
Nagapattinam.
2. The Additional Subordinate Judge,
The Additional Subordinate Court,
Mayiladuthurai.

Copy To:

The Section Officer,
V.R. Section,
High Court, Madras.

+1cc to Mr.V.Viswanathan, Advocate, S.R.No.24209
+1cc to Mr.A.Muthukumaran, Advocate, S.R.No.24459

S.A.NO.36 OF 2017

SRA (CO)
PBS/27/10/2021