



W.P(MD)No.11565 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11565 of 2015

- 1.Kavitha
- 2.Krishnasamy,
S/o.Late.Shanmugavel
- 3.Petchiyammal,
W/o.Krishnasamy
*(P.2 & P.3 are suo motu impleaded
vide order of this Court dated 25.07.2023)*

... Petitioners

Vs

- 1.The Secretary to Government,
Department of Electricity,
Secretariat,
Fort St.George,
Chennai.
- 2.The Superintending Engineer,
TANGEDCO,
Ramnad.
- 3.The Assistant Engineer,
TANGEDCO,
Rameswaram Taluk,
Ramnad District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus, directing the respondents to consider and



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pass appropriate orders on the petitioner's representation dated 20.01.2015 in accordance with law within a reasonable time to be fixed by this Court.

For Petitioners : Mr.S.A.Ajmal Khan
for Mr.J.M.Hassanul Bazari

For Respondents : Mrs.K.Christy Theboral
Additional Government Pleader for R.1

Mr.S.Deenadhayalan
Standing Counsel for R.2 & R.3

ORDER

Heard the learned counsel on either side.

2. Mrs.Kavitha / first petitioner herein and Murugan were married in the year 2014. They came down to Rameswaram to celebrate what is known as “Thala Deepavali”. Murugan and Kavitha's father went out for shopping. While returning, they happened to step on a live wire that had snapped. Both of them died on the spot. Kavitha's mother Vijaya Lakshmi filed W.P(MD)No. 11564 of 2015 seeking compensation for the death of Chidambaram. The said writ petition was allowed by me on 13.07.2023 and I directed payment of compensation of Rs.10,06,000/-.

3. The present writ petition also has to be allowed by fastening liability on TANGEDCO for the very same reasons.



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4.Following the demise of Murugan and Chidambaram, Crime No.129 of 2014 was registered on the file of Temple Police Station, Ramanathapuram on 20.10.2014. The first petitioner had enclosed a copy of FIR in the typed set of papers. Postmortem Certificate pertaining to Murugan had been enclosed. It clearly states that the death was due to electric shock injury causing cardio-respiratory arrest. The occurrence had taken place near Pari Kottagai. A live wire running overhead had suddenly snapped and fell on the ground. Without noticing the same, Murugan and Chidambaram had stepped on it. The snapping of the wire could be due to any reason. But these are matters in which the absolute liability has to be necessarily fastened on TANGEDCO.

5. In similar matters, the writ Courts had been awarding compensation. There is no need to deviate from the said approach in this case. When Murugan died, he was aged around 28 years. There is no proof of income. In the affidavit filed in support of the writ petition, it has been stated that he was carrying on scrap business. It would be safe to assume that he was earning a sum of Rs.9,000/- per month. Since there were three dependents, 1/3rd will have to be deducted towards personal expenses. That leaves a sum of Rs. 6,000/- per month. That works out to Rs.12,24,000/-. Applying the lump sum amount payable in terms of Pranay Sethi decision, a further sum of Rs.70,000/- will have to be awarded towards funeral expenses and loss of consortium etc.



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The respondents 2 and 3 are directed to pay a sum of Rs.12,94,000/-. This is rounded off to Rs.13.00 Lakhs. The first petitioner / Kavitha had of course remarried. But then, she also has to be necessarily paid some compensation. Remarriage had taken place only in the year 2016. The shock that occurred to her can very well be imagined. Therefore, the compensation amount shall be apportioned as follows:

- “a) For Kavitha / first petitioner – Rs.3 lakhs
- b) For the deceased/Murugan's Parents / petitioners 2 and 3 – 10 Lakhs
(5 Lakhs + 5 Lakhs)”

The respondents 2 and 3 will have to pay interest at the rate of 6% per annum with effect from 01.01.2015 onwards till the date of realisation. The entire exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.This writ petition is allowed accordingly. There shall be no order as to costs.

25.07.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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To

WEB COPY

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G.R.SWAMINATHAN, J.

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