



W.P(MD)No.3164 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3164 of 2015

1.P.Chandra

2.Revathi

3.Minior.Renugadevi

4.Minor.Muthulakshmi

5.Minor.Moorthy Eswaran

*(Minior Petitioners 3 to 5 are represented
through their mother / natural guardian
viz., P.Chandra)*

6.Panjavaranam

... Petitioners

Vs.

1.The Superintending Engineer,
Tamilnadu Electricity Board,
Sivagangai Collectorate Complex,
Sivagangai.

2.The Assistant Executive Engineer,
Tamilnadu Electricity Board,
Collectorate Complex,
Sivagangai Taluk,
Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay compensation of Rs.10 Lakhs for the death of the 1st petitioner's husband Mr.Pandi Konar due to electrocution, within a period of stipulated time along with interest at 9% from the date of accident.

For Petitioners : Mr.A.Theethar

For Respondents : Mr.S.Deenadhayalan,
Standing Counsel.

ORDER

Heard the learned counsel on either side.

2.One Pandi resident of Kannaiyiruppu Village in Sivagangai Taluk was working in his father's field on 28.11.2012 at about 01.00 pm. He happened to step on a fallen live wire and died due to electrocution. Crime No.348 of 2012 was registered on the file of Thiruppachethi police station under Section 174 of Cr.P.C. Seeking compensation for his demise, the present writ petition came to be filed.



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2.The learned counsel for the petitioners reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to grant relief as prayed for.

3.From a reading of the materials on record, one can easily conclude that the deceased was not at all at fault. He was a farmer and was working his field. He was unaware that live wire had snapped and fallen on ground. The learned standing counsel would claim that on account of weather condition, the wire had snapped and that TANGEDCO cannot be fastened with negligence. I may not impute negligence to the respondents but I would definitely fasten liability. These are matters in which the principle of absolute liability will have to be invoked. The deceased was aged about 43 years. He died leaving behind his wife, three daughters (two of them were minors), one minor son and an aged mother. The compensation sought for is only a sum of Rs.10 Lakhs. By no stretch of imagination can it be said to be exorbitant. However, apportionment shall be done as follows:-

The first petitioner / P.Chandra	– Rs.7,25,000/-
The second petitioner / Revathi	– Rs.50,000/-



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The third petitioner / Renugadevi – Rs.50,000/-

The fourth petitioner / Muthulakshmi – Rs.50,000/-

The fifth petitioner / Moorthy Eswaran– Rs.50,000/-

The sixth petitioner / Panchavaram – Rs.75,000/-

4.The respondents are also liable to pay to the petitioners herein proportionate interest at the rate of 6% per annum from the date of filing of this writ petition.

5.This writ petition is allowed accordingly. No costs.

19.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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