

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

Appeal Suit No.461 of 2000

JUDGMENT :

The present appeal is filed aggrieved by the orders dated 10.11.1999 passed in O.S.No.360 of 1997 by the II-Additional Senior Civil Judge, Warangal.

2. Heard Mr. Kondadi Ajay Kumar, learned counsel for the appellants and Mr. G. Ravi Chandra Sekar, learned counsel for the respondents.

3. Learned counsel for the appellants contended that the respondents have filed the suit i.e., O.S.No.360 of 1997 claiming damages as the respondents were legal heirs of one Sri Satyanarayana, who was an agriculturist by profession and he has died by electrification on 29.09.1996 because of the action of appellants in negligently maintaining electrical lights. Learned counsel for the appellants further contended that the accident has taken place only on account of heavy gale and wind and a tree was fallen on the wires which resulted in the unfortunate accident. Therefore, when Sri Satyanarayana, the

farmer, has expired, there was no negligence on the part of appellants, as the accident occurred on the factors which are beyond the control of appellants and this particular issue was not appreciated by the Court below and that the Court below has mechanically decreed for an amount of Rs.2,00,000/- as damages to the respondent besides awarding 12% interest per annum on the decretal amount. Learned counsel for the appellants has further drawn attention of this Court to para 16 of the judgment, wherein no reasons were found as to how the Court below was awarded 12% p.a. on the decretal amount to the respondents.

4. Learned counsel for the appellants further contended that the respondent No.1 has admitted in the cross examination that the pole has collapsed because of heavy gale and wind, which would make it very clear that the accident has occurred due to natural calamity and also for the factors which were beyond the control of the appellants. This particular vital aspect was not considered by the Court below. Therefore, appropriate orders be passed in the appeal

by setting aside the orders passed by the Court below in O.S.No.360 of 1997, dated 10.11.1999 and allow the Appeal Suit.

5. On the other hand, learned Counsel for the respondents contended that the deceased farmer was aged about 32 years at the time of accident and the respondents were totally dependents on the deceased farmer. Admittedly, no documents were marked by the appellants before the Court below and no evidence was also adduced by the appellants. Therefore, the Court below was justified in decreeing the suit in favour of the respondents. Therefore, there are no merits in the appeal and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the Court below was justified in decreeing the suit in O.S.No.360 of 1997 vide orders, dated 10.11.1999. As admittedly the deceased farmer has expired because of electrification believing the contention of the appellants that the accident has

taken place on the factors beyond the control of appellants and the same were not established by the appellants before the Court below. The appellants have not marked any documents nor adduced any evidence to demonstrate the accident which has taken place because of wind and gale. Therefore, this Court is not inclined to interfere with the orders passed by the II-Additional Senior Civil Judge, Warangal.

7. With these observations, the Appeal is dismissed.
No costs.

8. As a sequel, miscellaneous applications pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 23.01.2023
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