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W.A.No.1923 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE P.DHANABAL

W.A.No.1923 of 2023

and

C.M.P.No.16504 of 2023

1.The Chairman,

Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai,
Chennai – 600 002.

2.The Executive Engineer,

Tamil Nadu Generation and Distribution Corporation Ltd.,
Erode Distribution Circle,
Erode – 638 009.

3.The Assistant Engineer,

O & M – Rural,
Tamil Nadu Generation and Distribution Corporation Ltd.,
Kavandapadi,
Erode District.

...Appellants

Vs.

Jayalakshmi

...Respondent



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PRAYER: Writ Appeal filed under clause 15 of Letters Patent praying to set aside the order in W.P.No.2277 of 2020 dated 11.04.2023 and allow the Writ Appeal.

For Appellants : Mr.I.Syed Sibghatulla,
Standing Counsel

For Respondent : Mr.C.Munusamy

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Present intra-Court appeal has been instituted by Tamil Nadu Generation and Distribution Corporation Ltd., (TANGEDCO) a State owned Corporation challenging the writ order dated 11.04.2023 made in W.P.No.2277 of 2020.

2. The facts in nutshell are that son of the respondent Sivabalan was pursuing his Post Graduate course in M.Sc. On 29.05.2019 he went to a nearby shop to buy newspaper. A live low tension electricity wire was lying on the sugarcane field and he came in contact with the snapped live wire and got electrocuted. Mr.Sivabalan succumbed to death and a case in Crime



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No.2455 of 2019 under Section 174 Cr.P.C was filed. Death due to electrocution has not been seriously disputed by the appellant Board.

3. The learned counsel appearing for the appellant would submit that the Board as per its proceedings is bound to pay compensation as fixed in the Board's proceedings. Accordingly, a sum of Rs.2,00,000/- was paid as *ex gratia* and not satisfied with the said compensation, the Writ Petition came to be instituted.

4. The writ Court considered the fact that the death occurred due to electrocution and granted compensation by applying multiplier under the Motor Vehicles Act. The calculation has been adopted under the Schedule to Motor Vehicles Act and a sum of Rs.17,39,400/- was awarded by way of compensation.

5. The appellants would submit that applying multiplier under Motor



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Vehicles Act by the writ Court is beyond the scope of writ jurisdiction, since there was no adjudication of issues on merits. That apart, the writ Court fixed a monthly income of Rs.12,000/- without any evidence or basis. The Board has a scheme for settlement of compensation. Any further compensation is to be granted only after adjudication of issues raised between the parties. Thus, the Board has chosen to challenge the writ order.

6. The learned counsel for the respondent would oppose by stating that in few cases the Hon'ble Supreme Court and the High Courts have granted compensation adopting multiplier under the Motor Vehicles Act. Following the said principle, the writ Court, in the present case, granted compensation by adopting multiplier under the Motor Vehicles Act. Minimum monthly income has been taken into consideration for adopting multiplier. Therefore, the Writ Appeal deserves to be rejected. It is further contended that as per the Board proceedings a sum of Rs.2,00,000/- has been granted without interest.

7. This Court has considered the rival submissions made between the



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parties to the lis.

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8. The son of the respondent died due to electrocution. The deceased was pursuing Post Graduate course in M.Sc., and died in sugarcane field while in contact with the snapped live wire. The question arises is as to whether the writ Court in exercise of power of judicial review under Article 226 of the Constitution of India can adopt multiplier under the Motor Vehicles Act for grant of compensation without conducting any enquiry or adjudication of disputed issues. Admittedly, the Board has fixed compensation and the said compensation has been paid in the present case.

9. A sum of Rs.2,00,000/- was settled as per Board proceedings. The writ Court has taken note of the facts and made a finding that the deceased was pursuing Post Graduate degree and died due to electrocution. Therefore, the multiplier under the Motor Vehicles Act is to be adopted for grant of compensation. The calculation under Schedule to the Act is adopted by fixing a salary of Rs.12,000/- per month and by adding future prospect and other



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heads for grant of compensation to the tune of Rs.17,39,400/-.

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10. No doubt, the victim is entitled to fair compensation. The Board fixed compensation on the basis of no fault liability. It is an *ex gratia*. For securing adequate compensation, an aggrieved person/ victim has to approach the competent civil Court of law for adjudication of issues in the manner contemplated. Adjudication of disputed facts in writ proceedings is impermissible and would fall beyond the realm of the power of judicial review. For grant of compensation under the Motor Vehicles Act relevant records relating to accident and proof of income are to be produced. Guidelines are formulated by the Constitutional Bench of the Hon'ble Supreme Court of India in ***National Insurance Company Ltd., Vs. Pranay Sethi***¹. In order to grant compensation under the Motor Vehicles Act, adjudication by affording opportunity to the parties are mandatory and the parties must adduce evidence to establish their respective cases. Negligence, cause of death, monthly income, age, dependency and many other relatable factors are required for the purpose of adopting multiplier under the Motor Vehicles Act to

¹ 2017 (2) TNMAC 609 (SC)



grant compensation. This Court is afraid mere guess work may lead to miscarriage of justice or would cause prejudice to the parties.

11. Learned counsel for the respondent would rely on the judgment of the Hon'ble Supreme Court of India in the case of **State Of Himachal Pradesh And Others Vs. Naval Kumar Alias Rohit Kumar**². In paragraph 16 of the said judgment, Hon'ble Apex Court made an observation that "*In our considered view, the award of compensation under these 4 heads appears to be on very higher side and is not supported by any evidence. It is, in our view, based on assumptions and presumptions to which we do not concur.*"

12. Close reading of judgment would show that said case has been decided based on facts and evidences of High Court while awarding compensation. Thus, the said judgment need not be followed as a precedent for the purpose of award of compensation in a writ proceedings by adopting the multiplier under the Motor Vehicle Act. The said case is to be confined to the facts established. Pertinently, in the said case also Hon'ble Supreme Court

²AIR 2017 SUPREME COURT 718



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of India observed that High Court granted compensation on a very higher side and is not supported by any evidence. Thus, High Court in the said case considered the evidences available for the purpose of adopting multiplier. Thus, the said is of no avail to respondents.

13. In the case of ***Raman Vs. Uttar Haryana Bijli Vitran Nigam Lt.& Others***³, the Apex Court considered the evidences available on record. Therefore, the said case is also is of no avail to the respondent.

14. Division Bench of this Court in the case of ***The Chairman, Tamil Nadu Generation of Electricity and Distribution Corporation Limited Vs. Lakshmi***⁴ considered grant of compensation. In the said case also, Court adopted multiplier and granted compensation merely based on facts. In the said case, admittedly the cable TV wire has been tied up in the electric post belonging to the respondent. On certain mitigating circumstances, the Division Bench granted compensation applying multiplier. However, legal principle are

³ 2015 AIR SCW 360

⁴ 2025 Supreme(Online)(MAD) 9307



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not settled. Thus, the said judgment need not be followed as a precedent in all the cases for the purpose of adopting multiplier in a writ proceedings under Article 226 of Constitution of India for grant of compensation under Motor Vehicles Act.

15. In the present case, no evidence has been taken into consideration, except the fact that deceased was pursuing a Post Graduate course of M.Sc degree. Ingredients and requisite criteria for adopting a multiplier have not been followed. Evidences are not made available before Writ Court for fixing compensation. Therefore, approximately fixing monthly income in the absence of any evidence and other factors adopting multiplier in such cases undoubtedly would cause prejudice to the parties. Judgments relied on by respondents are decided based on its own facts and the legal principles, since not settled, those judgments need not be followed as binding precedent for the purpose of grant of compensation in a writ proceedings under Article 226 of Constitution of India by adopting multiplier under Motor Vehicles Act.



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16. It is brought to the notice of this Court that ex-gratia amount as per

the compensation schemes has been settled. A sum of Rs.2 lakhs was paid to the victim, and the said sum was enhanced by the TANGEDCO to Rs.5 lakhs with effect from 29.07.2019. In the present case, death occurred on 29.05.2019. Due to the shortfall of two months, Board has not paid the enhanced compensation of Rs.5 lakhs as fixed on 29.07.2017. Though the victim is strictly not eligible for enhanced compensation, since it came into force with effect from 29.07.2019, this Court is inclined to exercise its discretionary jurisdiction and award enhanced compensation of Rs.5 lakhs along with interest at the rate of 7% per annum from the date of accident till the date of payment. The differential amount, after deducting the paid compensation of Rs.2 lakhs, is directed to be settled by appellant in favour of the victim within a period of six weeks from the date of receipt of a copy of this order. Respondent is at liberty to institute a suit within a period of one month from the date of receipt of copy of this order, and in the event of instituting any suit, the suit may be entertained by including the period of limitation and to be decided on merits and in accordance with law.



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17. In view of the above facts and circumstances, the writ order dated 11.04.2023, made in W.P.No.2277 of 2020 is set aside and the Writ Appeal stands **allowed**. No costs. Consequently, the connected miscellaneous petition stands closed.

(S.M.S., J.) (P.D.B., J.)
21.11.2025

dsa

Internet :Yes/No

Index :Yes/No

Neutral Citation :Yes/No

Speaking/Non-speaking order



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