



THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment reserved on :
15.12.2025

Judgment pronounced on :
20.02.2026

CORAM

THE HON'BLE MR. JUSTICE P.B.BALAJI

A.S. No.652 of 2025

- 1.Selvi
- 2.Anandhan
- 3.Ganesan
- 4.Amaravathi Ammal

..Appellants

Vs.

- 1.Junior Engineer,
Kilnathur Section,
Blue Star Neechal Kulam,
Tiruvannamalai Circle and District.
- 2.Assistant Executive Engineer,
Thiruvoodal Street,
Ooyamadam, Tiruvannamalai Section,
Tiruvannamalai Circle and District.
- 3.Divisional Engineer,
Tiruvannamalai East Section,
Ooyamadam, Tiruvoodal Street,
Tiruvannamalai Circle and District.
- 4.Superintending Engineer,
Tamil Nadu Electricity Board,
Vengikkal Village and Post,
Tiruvannamalai Circle and District.

..Respondents



Prayer: Appeal Suit filed under Section 96 of the Code of Civil Procedure, to set aside the judgment and decree dated 29.08.2022 in O.S. No.55 of 2021 on the file of Additional District Judge, Tiruvannamalai, as far as the quantum is considered and to modify the same accordingly, by enhancing the awarded sum and further or other orders.

For Appellants : Mr.Sam Jayaraj Houston
for M/s.Sarvabhauman Assoicates

For Respondents : Mrs.J.Hemalatha Gajapathy

JUDGMENT

The plaintiffs, not satisfied with the compensation awarded in the Original Suit, are the appellants.

2. PLEADINGS:

(a). Complaint in brief:-

The plaintiffs are the legal heirs of one Saravanan, the first plaintiff being the wife and second plaintiff being the son and third and fourth plaintiffs, being the parents. The said Saravanan, was engaged as a centring worker, earning Rs.700/- per day and he was also rearing cattle and earning additional income. On 13.11.2020, during the Nivar cyclone, Saravanan left the house at 5.00 pm, to go to the temple to light the lamp for his family deity and while he was proceeding, he entered upon one Nataraj's land, where he



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came into contact with a live wire and got electrocuted and died on the spot. The whereabouts of the said Saravanan came to be known only on the next day. The Electricity Board was informed about the incident and power supply was also cut off immediately. The first plaintiff, wife of deceased lodged a complaint with Kilpennathur Police Station and a case was registered in Cr.No.2519 of 2020. The Saravanan died only due to the negligence of the defendants. He was aged about 45 years, earning more than Rs.30,000/- per month. The plaintiffs were dependents of the said Saravanan. Despite pre-suit notice dated 26.12.2020, the defendants had only chosen to issue a reply with false and untenable claims. The plaintiffs claim compensation of Rs.20,00,000/- payable by the defendants 1 to 4, jointly and severally, with costs of the suit.

(b).Written Statement filed by the first defendant and adopted by the defendants 2 to 4, briefly:-

In view of the Nivar cyclone, the Electricity Board officials were vigilant and were attending calls round the clock. There were no negligence or carelessness on their part. The electric live wire snatching and falling on land was only because of heavy storm, rain and wind and not because of any negligence of the Officials. The defendants denied the self-serving claims of the plaintiffs that deceased Saravanan was earning not less than Rs.30,000/- per month. The first defendant has been regularly checking and



maintaining all electrical appliances in regular intervals of time by conducting monthly maintenance work and the alleged incident resulting in the demise of Saravanan was only due to natural calamity. The plaintiffs are not entitled to any compensation from the defendants.

(c) ISSUES:

The Trial Court based on the pleadings of the parties, framed the following three issues:-

- 1. Whether the death of the first plaintiff husband's Saravanan was caused due to the negligence of the defendants in not properly maintaining the electric wires, over which, they are the sole custodians?*
- 2. Whether the plaintiffs are entitled to the compensate as prayed for?*
- 3. To what relief if any the plaintiffs are entitled to?*

(d). TRIAL:

At trial, on the side of the plaintiffs, the first plaintiff examined herself as P.W.1 and two independent witnesses, Tr.Ramu @ Ramachandran and Tr.Natarajan were



examined as P.W.2 and P.W.3. Ex.A1 to Ex.A8 were marked. On the side of the defendants, one Jayaraman, officials of the Electricity Board was examined as D.W.1 and Ex.B1 was marked on the side of the defendants.

(e) Decision of the Trial Court:

The Trial Court answered the issues in favour of the plaintiffs and awarded a total compensation of Rs.9,45,000/- payable together with interest at 7.5% per annum together with Court fee of Rs.28,350/-.

3. Dissatisfied with the award of compensation, the plaintiffs are on Appeal, in fact, the Appeal was filed along with an application seeking permission to permit the petitioners to prefer the Appeal as indigent persons. This Court by order dated 22.04.2025, allowed the application and granted permission to the appellants to sue as indigent persons, applying an Order 44 Rule 3 of the Code of Civil Procedure, 1908.

4. In the present appeal, I have heard Mr.Sam Jayaraj Houston, for M/s.Sarvabhauman Associates, learned counsel for the appellants and Mrs.J.Hemalatha Gajapathy, learned counsel for the respondents 1 to 4.



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5. Mr.Sam Jayaraj Houston, learned counsel for the appellants would submit that the Trial Court having come to the right conclusion that the defendants are negligent and liable to compensate the plaintiffs for the demise of Saravanan, failed to arrive at the correct compensation. The learned counsel would further state that the deceased Saravanan, admittedly was carrying on centring business and therefore, he was a skilled worker. Relying on the illustrations adopted by the Income Tax Department, under the provisions of the Finance Act, 2025, the learned counsel for the appellants would state that cost inflation index was applicable in the year 2021, was 301 which has not been adopted by the Trial Court. He would further state that the monthly income of the deceased ought to have been assessed at Rs.6,000/- per month and considering the number of dependents, the deduction of 1/4th ought to have been made for personal expenses and the compensation payable per month should have been fixed at Rs.13,125/-. Relying on the decision of the Hon'ble Supreme Court in *Megma General Insurance Company Limited Vs. Nanu Ram Alias Chuhru Ram and others*, reported in (2018) 18 SCC 130, the learned counsel Mr.Sam Jayaraj Houston, would state that the consortium amount of Rs.50,000/- was also payable by the defendants and all these have not been considered by the Trial Court.



6. The learned counsel also relied on the decisions of this Court in *Andal and others Vs. Avinava Kannan and Another*, reported in (2018) SCC online Mad 14489, *Syed Sadiq and others Vs. Divisional Manager, United India Insurance Company Limited*, reported in (2014) 2 SCC 735 and *Meena Pawaia and others*, reported in (2021) 17 SCC 148, in support of his submissions.

7. Per contra, Mrs. Hemalatha Gajapathy, learned counsel for the respondents/defendants has taken a preliminary objections with regard to the very maintainability of the appeal. According to the learned counsel, subsequent to the decree passed by the Trial Court, the appellants have filed payment out Applications before the Trial Court and the Applications were allowed, consequent to which, full satisfaction memos were filed by the appellants. It is therefore, her contention that having recorded full satisfaction, the appellants are not entitled to prosecute the appeal further.

8. The learned counsel for the respondents, besides the preliminary objections would also contend that the plaintiffs have not substantiated their claim of income of the deceased and also with regard to dependency of the plaintiffs on the deceased, Saravanan. Distinguishing the facts of the case before the Hon'ble Division Bench of



this Court in *Andal's* case, (referred herein supra), the learned counsel for the appellants, Mrs. Hemalatha Gajapathy, learned counsel for the respondents would contend that the income of the deceased had been proved and therefore, the said ratio cannot be applied to the present case, where the appellants have not been able to prove the income of the deceased. The learned counsel would also state that the Trial Court has rightly assessed the oral and documentary evidence and has arrived at a just, fair compensation of Rs.9,45,000/- payable with the interest of 7.5% per annum and she would therefore, pray for dismissal of the appeal.

9. I have carefully considered the submissions advanced by the learned counsel on either side and I have also gone through the evidence marked through documentary evidence as well as the decision of the Trial Court. The following points are framed for consideration in this First Appeal:-

- (i) Whether the filing of full satisfaction memos by the appellants would preclude the appellants from prosecuting the appeal further?
- (ii) Whether the Trial Court has committed any error in arriving at the quantum of compensation and if so, what would be the fair and just compensation payable to the appellants?



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10. Point No.(i):

It is an admitted fact that the deceased Saravanan, stepped on a live wire while proceeding from his house to the temple and suffered electrocution and died on the spot. According to the plaintiffs, the said Saravanan was a centring worker, earning Rs.700/- per day and he was also rearing cattle and milch animals which gave him additional income. The plaintiffs claimed that the deceased Saravanan was earning not less than Rs.30,000/- per month. Prior to the filing of the suit, the plaintiffs caused a lawyers notice claiming Rs.20,00,000/- as compensation, along with 12% interest. The said notice was replied to by the defendant reply notice dated 12.01.2021, denying their liability. Even before the Trial Court, the defendants have taken a plea that it is an act of nature and there is no negligence on the part of the defendants to impute liability on them. However, the defendants having suffered a decree, have not chosen to prefer an Appeal challenging the liability as well as quantum. In fact, on the contrary, they have satisfied the decree amount awarded by the Trial Court by deposit of the same. Admittedly, the amount deposited has also been withdrawn by the appellants by taking out an Application for payment out.



regarding preliminary objection taken by the defendants that in view of the full satisfaction memos being filed and the decree amount being withdrawn, the appeal cannot be further prosecuted by the appellants.

12. The learned counsel for the respondent has relied on the decision of the Calcutta High Court, in *Sri Tushar Kanti Roy Vs. The Eighth Industrial Tribunal, Kolkata & Ors*, reported in 2012 SCC Online Cal 11669, where the Calcutta High Court held that when a person accepts an award, he cannot be allowed to play hot and cold, approbate and reprobate. On facts, the High Court found that the compensation amount was accepted in full and final settlement of dues which amounted to waiver on the part of the petitioner and therefore, held that the writ petitioner therein was estopped from challenging the award. However, as already discussed, the appellants have not recorded any full settlement. They have only recorded full satisfaction in the payment out applications and not full settlement in the suit. In the light of the above, I do not see how the appellants are precluded from prosecuting the appeal to claim, fair and just compensation of the death of the deceased Saravanan. The preliminary objection are therefore overruled and Point No.(i) is answered in favour of the appellants.

13. Point No.(ii):-



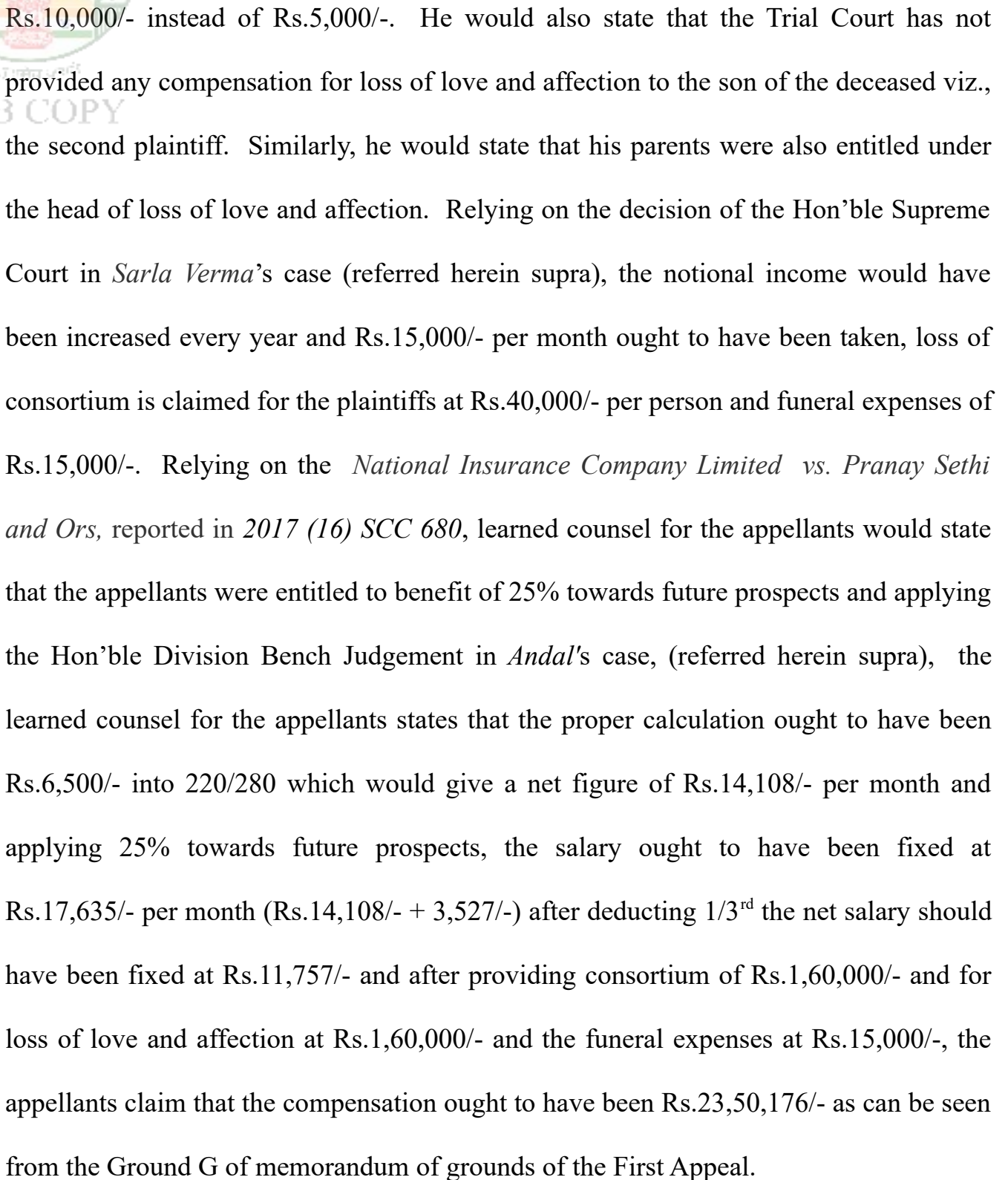
With regard to the quantum, admittedly, the defendants have not challenged the compensation awarded by the Tribunal, including fixing of the liability on the defendants. Therefore, I do not deem it a necessary exercise to delve into whether the defendants are negligent or that they are liable to compensate the plaintiffs. The issue falls down to only the quantum of compensation payable to the plaintiffs. Though Mrs. Hemalatha Gajapathy, learned counsel for the respondents would contend that the plaintiffs have not proved the income of the deceased Saravanan and also the factum of their dependency on Saravanan, I find from the written statement filed by the defendants that the specific averment in the plaint that the plaintiffs were dependents on Saravanan is not even denied specifically in the written statement. The only denial is with regard to the income of the deceased Saravanan, which has been denied specifically, in Paragraph 6 of the written statement. In the light of the above, it is not open for the respondents to contend without any pleading that too, in First Appeal that the plaintiffs have not proved the factum of their dependency on the deceased Saravanan.

14. Coming to the calculation of the compensation amount awarded being just or proper, the case of the appellants is that the deceased Saravanan was a centring worker and he was earning not less than Rs.30,000/- per month. Admittedly, there is no direct evidence adduced by the appellants to substantiate the income of the deceased



Saravanan. The Trial Court complying the formulae in Section 163 Schedule II, appended to the Motor Vehicles Act, 1988, taking the age of the deceased Saravanan of 45 years, took the monthly income of Rs.6,000/- per month and added Rs.1,500/- towards future prospects and thereafter, 1/3rd of the total income has been deducted towards personal expenses and net income has been taken as Rs.5,000/- per month (Rs.5,000X12X14 = 8,40,000/-). Applying the ratio laid down by the Hon'ble Supreme Court in *Smt. Sarla Verma & Ors. and Delhi Transport Corporation & Anr.* reported in *AIR (2009) SCC 3104*, the Trial Court adopted a multiplier of 14 and providing funeral expenses of Rs.5,000/-, loss of consortium of Rs.50,000/-, loss of estate and expectancy of life Rs.50,000/-, fixed a total amount of Rs.9,45,000/-, to be paid proportionately.

15. The learned counsel for the appellants would submit that the calculation adopted by the Trial Court is flawed as the monthly income should have been computed as Rs.9,000/- instead of Rs.6,000/-, in view of the ratio laid down in *Tamil Nadu Electricity Board, Periyar Electricity Distribution Circle, represented by its Superintending engineer, Gopi and others Vs. Kuppayammal (deceased) and others*, reported in (2012) 4 MLJ 794, and *Ponnu Sankan @ Kumar Vs. The State of Tamil Nadu represented by the Secretary to Government, Energy Department, Chennai and others*, reported in 2011 (3) CTC 740 and ought to have arrived at a net income of





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16. It is the contention of the respondents that the calculation arrived at by the Trial Court is equitable, just and proper and does not need any re-visit.

17. With regard to the income of the deceased, though it was claimed that the deceased was earning Rs.30,000/- per month, the plaintiffs have not been able to substantiate the same fanciful claim. The Trial Court has therefore fixed the monthly income at Rs.6,000/- per month and has provided 25% towards future prospects and arrived at Rs.7,500/- per month from which 1/3rd has been deducted towards personal expenses and thereby, the monthly net salary has been fixed by the Trial Court at Rs.5,000/- per month. I do not see any infirmity with regard to the application of multiplier of 14, considering the age of the deceased. However, as held by the Hon'ble Supreme Court in *Sarla Verma's* case (referred herein supra), each of the plaintiffs were entitled to Rs.40,000/- towards loss of love and affection and the wife was entitled to compensation under the head of loss of consortium. The Trial Court has provided only for a sum of Rs.50,000/- towards consortium and Rs.50,000/- towards loss of estate and expectancy. In the light of the decision of the Hon'ble Supreme Court, I am therefore inclined to enhance the compensation by further Rs.1,10,000/- which would bring the total compensation amount to Rs.1,60,000/- (each of the appellants being entitled to



Rs.40,000/-, with the wife being entitled to consortium and the remaining appellants being son and parents being entitled to compensation under the head loss of love and affection). Even insofar as funeral expenses, the Trial Court has awarded a sum of Rs.5,000/- which has to be enhanced to Rs.15,000/- in the light of the *Sarla Verma's* case, discussed herein above.

18. Coming to the monthly income, I do not see any error committed by the Trial Court, considering the oral and documentary evidence available on record and the Trial Court in fixing the base monthly income at Rs.6,000/- per month. Equally, the deduction of 1/3rd amount toward personal expenses cannot be faulted also. It is the arguments of the learned counsel for the appellants that the Trial Court ought not to have taken the base income at Rs.6,000/- but should have taken the same as Rs.9,000/-. In this regard, in *Magma General Insurance Company Limited, Meena Pawaia, National Insurance Company Limited vs. Pranay Sethi* and *Andal's* case (referred herein supra). In *Magma General Insurance Company Limited's* case (referred herein supra), the Hon'ble Supreme Court held that when there is absence of evidence with regard to income of the deceased and the deceased was an unskilled worker, it would be appropriate to fix the income at Rs.6,000/- per month.



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19. The Hon'ble Supreme Court held that parents are also entitled to filial consortium and consortium is not necessarily to be restricted to spouse alone. In *Meena Pawaia's* case (referred herein supra), the Hon'ble Supreme Court held that future rise in income of the deceased has to be factored while arriving at compensation payable in a fatal accident, as the income of the deceased cannot remain stagnant and it is always dynamic and moves and change with time. The Hon'ble Division Bench of this Court in *Andal's* case, (referred herein supra), taking into account, the notional income of Rs.6,500/- fixed by the Hon'ble Supreme Court in the year 2008, providing for corresponding cost of living, prices of essentials and inflation, applied the cost of inflation index issued by the Central Board of Direct Tax (CBDT) for the purpose of determination of notional income of the deceased person. The cost of inflation index for the year 2007-2008, the Hon'ble Supreme Court fixed the notional income, as Rs.6,500/- per month. Though, even in the facts of the case before this Hon'ble Division Bench, the claim was that the deceased was earning Rs.700/- per day, however, no documentary proof was produced for establishing the said income. It is only in similar circumstances, that the Hon'ble Division Bench applied the cost inflation index and fixed the notional income. As I have already held that the Trial Court was justified in fixing the base income at Rs.6,000/-. According to the learned counsel for the appellants, applying the cost of inflation index, the notional income would be as follows:- Rs.6,000/- X 301



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(being the cost inflation index for the financial year 2020-2021) divided by 129, (cost inflation index for the year 2007-2008), which was applied by the Hon'ble Supreme Court for taking the notional income at Rs.6,500/- at that point of time and therefore, the correct amount would be Rs.6,000/- X 301/129 is equal to Rs.14,000/- approximately and applying future prospects on the said sum of Rs.14,000/- in the light of the ratio laid down by the Hon'ble Supreme Court in *Pranay Sethi's* case, (referred herein supra), the income would stand increased to Rs.17,500/- per month. Deducting 1/3rd towards personal expenses, (Rs.4,375/- per month), the net income would be Rs.13,125/- per month and applying multiplier of 14, the compensation amount would Rs.22,68,000/-. Though the learned counsel for the appellants has made elaborate submissions and arrived at the above compensation to be payable, firstly I find that the amount which is now sought as compensation is in excess of the original amount for which the suit itself was filed. Even in the memorandum of grounds of appeal to the relief is restricted to Rs.10,55,000/-, none of the grounds raised in the First Appeal also challenge the quantum on the ground of non application of the cost of inflation index by the Trial Court.

20. In the light of the above, being a Civil Suit and not a claim for compensation arising under the Motor Vehicles Act, 1988, I do not see how the plaintiffs can take



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advantage or benefit of the cost inflation index, about which there is absolutely no plea or evidence for the Trial Court. In the light of the above, I am not inclined to accept the arguments of the learned counsel for the appellants, the cost inflation index has to be applied and the salary has been fixed at Rs.14,000 and after applying the future prospects at Rs.17,000/-.

21. In the light of the above, I am inclined to modify the decree of the Trial Court, in the manner following manner:-

(i) Monthly income to be taken at Rs.6,000/- per month, future prospects as applied at Rs.1,500/- per month is also confirmed and after deducting 1/3rd towards personal expenses of the deceased, the net income is Rs.5,000/- per month, the finding of the Trial Court in this regard is confirmed.

(ii) However, the plaintiffs are entitled to funeral expenses at the rate of Rs.15,000/- and each of the plaintiffs are entitled to loss of consortium at Rs.40,000/-, totalling in all, Rs.1,60,000/-, and additionally towards loss of estate and expectancy of life awarded by the Trial Court and loss of love and affection, applying the *Pranay Sethi's* case, each of the plaintiffs are entitled to Rs.40,000/-, totalling in all, Rs.1,60,000/-.



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22. For clarity, the calculation arrived at as hereunder:-

Heading	Amount Awarded by the Trial Court	Amount confirmed/ modified by this Court
Loss of Dependency	5000 X 12 X 14 = Rs.8,40,000/-	5000 X 12 X 14= Rs.8,40,000/- (Confirmed)
Funeral Expenses	Rs.5,000/-	Rs.15,000 (Enhanced by Rs.10,000)
Loss of Consortium	Rs.50,000/-	Rs.1,60,000/- (Rs.40,000 X 4) (Enhanced by Rs.1,10,000/-)
Loss of Estate and Expectancy	Rs.50,000/-	Rs.1,60,000/- (Rs.40,000 X 4) (Enhanced Rs.1,10,000/-)
Total	Rs.9,45,000/-	Rs.11,75,000/- (Enhanced by Rs.2,30,000/-)

23. The Appeal is **partly allowed**. Considering the fact that the decree amount has already been deposited and withdrawn, the respondents shall pay the enhanced decree



amount of Rs.2,30,000/-, within a period of eight weeks from the date of receipt of the copy of the judgment together with proportionate interest at 7.5% per annum. It is needless to state that since permission was given to the appellants to sue as indigent persons and now that they have been awarded compensation by the Trial Court and the same has also been withdrawn, and the compensation has also been enhanced in this appeal, the appellants shall be called upon to pay Court fee in the appeal, for the award of Rs.9,45,000/- by the Trial Court and enhanced by Rs.2,30,000/- by this Court.

20 .02.2026

Neutral Citation Case: Yes
Speaking order
Index: Yes
rkp

To

1. The 1st Additional District and Sessions Judge at Thiruvallur (FAC).
2. The Section Officer, V.R. Section, High Court of Madras.



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P.B.BALAJI.J.

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Pre-delivery judgment made in
A.S. No.652 of 2025



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