



IN THE COURT OF DISTRICT JUDGE, MAYILADUTHURAI.

Present: Dr. L.S. SATHIYAMURTHY, M.A., M.L., Ph.D.,

(J.O.Code - TN01523)

District Judge, Mayiladuthurai.

Tuesday, the 28th day of April 2026

CNR. No. TNMY-0100-4494-2024

O.S. No. 119/2024

1. Viji
2. Sujitha
3. Rahul

.... Plaintiffs

Vs.

1. The Superintending Engineer
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGENCO),
Nagapattinam.
2. The Assistant Executive Engineer (O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGENCO),
Sembanarkoil.
3. The Assistant Electrical Engineer (O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGENCO),
Sembanarkoil.
4. The Executive Engineer (O & M)
Tamil Nadu Generation and Distribution Corporation Ltd.,
(TANGENCO),
Mailaduthurai.
5. The District Collector,
Mayiladuthurai

.... Defendants

This suit came up for the final hearing on 09.04.2026 in the presence of Advocate Thiru. S. Sankaranarayanan, appeared for the Plaintiff, Thiru. C. Arulthas, Government Pleader appeared for the defendants and upon hearing both sides, perusing the pleadings, documentary and oral evidence available on record and having stood over for consideration till this day, this court delivers the following

JUDGMENT

This is a suit filed under Order XXXIII CPC by the indigent person.

The plaintiff in this suit are the legal heirs of the person died in the electrocution. They are claiming compensation for a sum of Rs.15 lakhs towards the loss of the income, consortium, funeral expenses, etc.,

2. THE SUM AND SUBSTANCES IN THE PLAINT IS AS FOLLOWS:-

The first plaintiff is the wife and the 2nd and 3rd plaintiffs are daughter and son of one Mahendran, who died in the electrocution. The family of the plaintiff was originally consists of the deceased Mahendran and the plaintiffs herein.

3. The said Mahendran was aged about 45 years in 2020. He was a hale and healthy person and a sole bread winner of the family consist of the plaintiffs. He worked as a auto driver and earned not less than Rs.30,000/- per month and contributed his income for his family.

On 07.11.2023 as it was a rainy day, at about 04.00 PM, the said Mahendran went to his roof of house buildings to check whether rain water stagnated there are not. The electric wire which was run in the street near his house was not properly maintained by the defendants 1 to 4. A wire which was conducting electricity was cut off from its street pole, snapped and fallen down on the roof of the open terrace. The said

Mahendran who went to the roof top was electrocuted from the electricity conducted in the snapped and fallen down wire and sustained grievous injuries on his back side of the head. He was taken to Government Hospital, Mayiladuthurai at 04.20 PM where, the doctors declared his death. The first plaintiff lodged a complaint and a case is registered in crime no.438/2023 U/s. 174 Cr.P.C on the file of the Sembanarkoil Police Station. In pursuance of it autopsy was conducted in the Government Hospital, Mayiladuthurai. The defendants 1 to 4 have not properly maintained the high tension power supply wire and due to their negligence the wire snapped and fallen down on the roof of the plaintiff's house, which claimed a life of the said Mahendran. The plaintiffs have claimed Rs.15 lakhs towards compensation for the loss of income to the family and loss of love and affection, future expenses and other incidental expenses.

4. As the plaintiffs have no permanent source of income and do not possess any movable and immovable properties, they filed this suit as paupers.

5. THE BRIEF AVERMENTS OF THE WRITTEN STATEMENT FILED BY THE 2nd DEFENDANT AND ADOPTED BY ALL OTHER DEFENDANTS:-

The suit is not maintainable and the defendants are denying all the averments except those that are admitted in the written statement. The allegation that the high tension power supply wire was not properly maintained by the defendants is either true nor correct. The defendants were not negligent in maintaining the street wire. It is the first plaintiff's husband, whose negligent was the cause of his death. There was no deficiency in the supply of electricity or break down of electricity service of the houses situated in and around the plaintiff's house. The defendants are not liable to pay any damages for the family of the plaintiff. The FIR was lodged on the basis of the

complaint of the 1st plaintiff only on suspicious and there is no clear negligent on the part of the defendants. There is no particular regarding electrocution was the cause of death for the suit Mahendran. Under the circumstances, the plaintiff's claim is unsustainable.

6. ISSUES, ANALYSIS AND ANSWERS

On completion of the pleadings this court after providing opportunities to both sides, framed following issues under Order XIV CPC.

1. *Whether the plaintiffs are entitled to get the compensation as prayed for in the suit from 1 to 5 defendants?*
2. *To what other relief the plaintiff is entitle to?*

7. The 1st plaintiff examined as PW.1 and Ex.A1 to Ex.A5 are marked. On the side of the defendants DW1 was examined and no document was marked through her.

8. Issue No.1:-

Heard, the learned counsels appearing for the plaintiff and the learned government pleader appearing for the defendants. Perused the pleadings and the oral evidence of PW.1, Ex.A1 to Ex.A5, the documentary evidence and the oral evidence of DW.1

9. As stated *supra*, the plaintiffs are the wife, daughter and son of one Mahendran, who said to have died due to electrocution. The relationship between the plaintiffs with the deceased is not in dispute. Further, the death certificate Ex.A3 and the legal heir certificate Ex.A4 would go to show that the plaintiffs are the surviving legal heirs. One Palani and Rethinambal are predeceased legal heirs. The surviving legal heirs who are the wife, daughter and son have jointly filed this suit claiming

compensation from the TANGENCO authorities. The suit was originally instituted under Order XXXIII CPC and the plaintiffs have claimed as indigent persons. After due enquiry they were declared as *Paupers* to proceed with the suit and exemption was granted from paying the necessary court fee as per TNCF 14 of 1955.

10. The first plaintiff who examined as PW.1, has produced the FIR Ex.A1, which goes to show that there is a hyper tension electric wire was running near the plaintiff's house and due to heavy rain and wind on 07.11.2023 the said wire which was snapped from the street pole and fallen down on the roof of the plaintiffs house. The said Mahendran, who went to the top of the roof to check the stagnation of rain water and electrocution proved by the oral and documentary evidence and the initial burden as to the negligent was discharged by the oral evidence of PW.1 and the registration of case Ex.A1, but there is no contrary evidence let in by the defendants to show that there was no HTTP wire passing near the plaintiff's house except the oral evidence of DW.1. There is no other documents produced by the defendants to contradict the evidence of the plaintiff.

11. From the careful readings of the pleadings and the oral evidence of PW.1 and Ex.A1 to Ex.A2 it is clear that said Mahendran died due to electrocution. Further, the defendants 1 to 4 are negligent and they have not properly maintained the HTTP wire which was passing through the plaintiff's house, particularly during the rainy season.

12. Coming to the claim of Rs.15 lakhs the plaintiffs has produced Ex.A2 which shows that the deceased was aged about 45 years at the time of death. The plaintiffs have stated that the said Mahendran was a auto driver and he was capable of earning Rs.30,000/- per month and contributed the same to the family of the plaintiffs. The Aadhar card Ex.A5 also shows that the deceased 45 years aged person. It is not in

dispute that the plaintiffs have not filed any documents such as driving license or any other document to show that he was an auto driver. However, in the absence of driving license the claim of the plaintiff that the deceased was an auto driver cannot be thrown out for the sake of arguments it can be presumed that abled man who is aged about 45 years can earn atleast Rs.750/- per day through any physical labour. Therefore, his income has to be determined that Rs.22,500/- per month.

13. Further, how to calculate the compensation in a case of electrocution is an another incidental question arise in this suit. The Hon'ble High Court Madras in *Superintending Engineer TNEB/TANGEDCO Vs. Dhanalakshmi and ors* (AS No.392 of 2024 dated 01.07.2025) has held that in a case resulting in loss of life due to electrocution for determination of compensation, the principles applicable under the Motor Vehicle compensation case can be followed. The relevant portion of the judgment from the para 28 of judgment is extracted hereuner:

"In the reported decision in 2003 (68) DRJ 128 (DB) in the case of Association of Victims of Uphaar Tragedy and Others Vs. Union of India and Others, the Division Bench of the Hon'ble Delhi Court by following the principles of Motor Vehicles Accident Compensation cases had awarded compensation to each of victims of fire accident who suffered burns, for each of the individuals whose dependants died in the fire accident. The arguments of the learned counsel for the Appellants that the learned trial Judge had erred in calculating the compensation based on the principles under the Motor Vehicle Act in which accident victims are granted compensation. The said submission of the learned counsel for the Appellants (Defendants before the trial Court)/TANGEDCO cannot at all be accepted as the Uphaar Tragedy victims were compensated by the Hon'ble High Court of Delhi based on

the principles awarding compensation under the Motor Vehicles Act even though it was not a Motor Accident. The decision of the Hon'ble High Court of Delhi in 23003 (68) DRJ 128 (DB) in the case of Association of Victims of Uphaar Tragedy and Others Vs. Union of India and Others, was upheld by the Hon'ble Supreme court in the case of Municipal Corporation of Delhi Vs. Uphaar Tragedy Victims Association and others reported in (2011) 14 SCC 481."

14. As per the above decision in *Superintending Engineer TNEB/TANGEDCO Vs. Dhanalakshmi and ors.*, the second schedule of the Motor Vehicle Act, 1988 can be applied for the determination of compensation. The age of the deceased was 45 years. Therefore, Multiplier 14 is applicable. The determination of the compensation as follows would be just and proper.

1. Notional Income	- Rs.	15,000/-
2. Future Prospectus 25% (15,000x 25%)	- Rs.	3,750/-
Total	- Rs.	18,750/-
3. Less Personal expense 25% (18,750 x 25%)	- Rs.	4,687/-
Total	- Rs.	14,063/-
4. As per MV Act Multiplier is 14 (14,063 x 12 x14)	- Rs.	23,62,584/-
5. Loss of Consortium (25,000 x 3)	- Rs.	75,000/-
6. Funeral Expense	- Rs.	15,000/-
Total		Rs. 24,52,584/-

However, as the plaintiff has restricted the claim to the tune of Rs.15 lakhs, it would be appropriate to grant the compensation as prayed for in the plaint.

This issue is decided accordingly.

15. Issue No.2-

As discussed and findings given in issue no.1 the plaintiffs are entitled to a compensation of Rs.15 lakhs as prayed for and they are not entitled to any other reliefs.

In the result, this suit is decreed with costs. Consequently, the defendants 1 to 5 are hereby jointly and severally directed to pay a sum of Rs.15,00,000/-(Rupees Fifteen lakhs only) towards compensation with interest at 6% per annum from the date of plaint till the realization of entire amount. The 1st plaintiff is entitled to a sum of Rs.7,00,000/- (Rupees Seven lakhs only) and the plaintiffs 2 and 3 are entitled to a sum of Rs.4,00,000/- each (totally Rupees Eight lakhs only). The plaintiffs are hereby directed to pay the necessary court fee to the State for the compensation awarded to them. Two months time is granted to pay a compensation. A copy of this Judgment to be communicated to the District Collector, Mayiladuthurai.

Dictated to the steno-typist, taken by her in short hand, transcribed by her in computer, corrected and pronounced by me in the open court this 28th day of April 2026.

**District Judge,
Mayiladuthurai.**

ANNEXURE:

Witness examined on the side of the Plaintiff :-

P.W.1 Viji (1st plaintiff)

Documents marked on the side of the Plaintiff :-

Ex. A1	07.11.2023	FIR – Xerox copy
Ex. A2	08.11.2023	Post mortem report – True copy

Ex. A3	05.12.2023	Death certificate – Xerox copy
Ex. A4	26.12.2023	Legal Heirs certificate – Xerox copy
Ex.A5	---	Plaintiff's aadhar card - Xerox copy

Witnesses examined on the side of the Defendants:-

DW.1 Vanitha

Documents marked on the side of Defendants:- Nil

**District Judge,
Mayiladuthurai.**

Fair/Draft Judgment
O.S.No.119/2024
Date: 28.04.2026