

Principal District Court, Tenkasi
 Thiru. B. Rajavel, B.Sc., B.L.,
 Principal District Judge, Tenkasi
 Thursday, 30th day of July 2026
 O.S. No.241/2024
 (CNR. No. TNTS 010017392024)

1.Mangala Sundari.
 2.Minor Kalaimathi.
 3.Minor Praveen.
 4.Minor Sujitha.
 (Minor 2 to 4 plaintiffs through their mother
 and next guardian 1st plaintiff.
 5.Thangathai.

...Plaintiffs

/Versus/

1. Government of Tamil Nadu represented by the District Collector, Tenkasi.
 2. The Chairman, Tamil Nadu Power Generation and Distribution Corporation
 Limited (TANGEDCO), Anna Salai, Chennai.
 3.The Junior Engineer(Distribution) Tamil Nadu Power Generation and Distribution
 Corporation Limited (TANGEDCO), Adaikalapattinam, Tenkasi District.
 4.The Assistant Divisional Engineer, Tamil Nadu Power Generation and Distribution
 Corporation Limited (TANGEDCO), Alangulam, Tenkasi District.

...Defendants

This case came up for final hearing before me on 27.07.2026 in the presence of Mr. S.Sathya, Advocate for the plaintiff and of Mr. S.Dinesh, Government Pleader for the defendants, and upon hearing the arguments of both sides having considered the evidence and documents placed before this court made the following...,

Judgment

The plaintiffs have filed suit for seeking compensaiton of Rs.30,00,000/- for the death of Ponnudurai on electrocution with 12% interest from 2 to 4 defendants and for the costs.

2. The averments in the plaint are briefly as follows:

The case of the plaintiffs, as set out in the plaint, is that on 23.11.2023, Late Ponnuthurai, the husband of the first plaintiff and the father of plaintiffs 2 to 4, while returning from his agricultural field situated at Melapattamudaiyarpuram, accidentally came into contact with a live stay wire lying near an electric pole and was electrocuted, resulting in his instantaneous death. According to the plaintiffs, the unfortunate incident occurred solely on account of the gross negligence and dereliction of duty on the part of defendants 2 to 4, who had failed to properly maintain the electrical installations and to ensure that the stay wire did not become electrically charged, thereby creating a hazardous condition endangering the lives of the general public. It is, therefore, contended that the defendants are jointly and severally liable to compensate the plaintiffs for the loss suffered by them. It is further pleaded that, in connection with the said occurrence, a case was registered in Crime No.403 of 2023 under Section 174 of the Code of Criminal Procedure, 1973, and the matter was duly investigated by the jurisdictional police. The plaintiffs further aver that the deceased was an agriculturist and dairy farmer by occupation, earning a monthly income of approximately Rs.20,000/-, and was the sole breadwinner of the family. His sudden and untimely demise has deprived the plaintiffs of their source of livelihood and financial security and has caused them irreparable loss, including loss of dependency, loss of consortium, loss of love and affection, besides subjecting them to immense mental agony and emotional distress. On the aforesaid premises, the plaintiffs have quantified their claim for compensation at a sum of Rs.30,00,000/-

(Rupees Thirty Lakhs only), under various heads, namely, loss of dependency, loss of consortium, loss of love and affection, funeral expenses, and other consequential damages. The plaintiffs further state that, despite the issuance of legal notices calling upon defendants 2 to 4 to compensate them for the loss sustained, the said defendants neither sent any reply nor complied with the demand by paying compensation. Left with no other efficacious remedy, the plaintiffs have instituted the present suit seeking appropriate reliefs and hence the suit.

3. The written Statement filed by the defendants are briefly as follows:

This suit is not maintainable either in law or on facts. The defendants respectfully submit that the electric pole, stay wire and distribution line in question were duly installed, periodically inspected and properly maintained in accordance with the prescribed safety standards and statutory requirements. All necessary precautionary and safety measures had been duly provided, and there was neither any defect in the electrical installation nor any negligence, omission or lapse on the part of the defendants or their officials. The defendants further submit that the unfortunate accident occurred solely on account of damage caused to the consumer's PVC insulated service wire due to heavy rainfall and lightning, as a consequence of which the G.I. service pipe became electrically charged. The said G.I. service pipe, which had been installed by the consumer in close proximity to the stay wire, came into contact with the stay wire, thereby causing the stay wire to become inadvertently energized. While engaged in agricultural operations, the deceased accidentally came into contact with the energized stay wire and sustained fatal electrocution. It is

therefore submitted that the accident was the direct consequence of the defective and unsafe service connection and installation maintained by the consumer and was not attributable, either directly or indirectly, to any negligence, default or breach of statutory duty on the part of the defendants. The defendants cannot be held liable for an occurrence arising out of a defect in the consumer's own electrical installation, over which the defendants had neither control nor responsibility. The defendants further submit that the plaintiffs have failed to produce any cogent, reliable or legally admissible evidence to establish negligence or breach of duty on the part of the defendants. In the absence of proof of negligence, the essential ingredients necessary to fasten liability upon the defendants are wholly lacking. Without prejudice to the above contentions, the defendants submit that the claim for compensation of ₹30,00,000/- is highly excessive, arbitrary, speculative and wholly unsupported by any acceptable evidence. The plaintiffs are put to strict proof of the age, occupation, income, dependency, multiplier, and all other factors relied upon for quantifying the alleged damages. In the absence of any negligence attributable to the defendants, the suit is devoid of merit and is not maintainable either in law or on facts. Consequently, the plaintiffs are not entitled to any compensation, interest or costs as claimed in the plaint. The suit is therefore liable to be dismissed in limine with exemplary costs.

4. Upon the above pleadings the following issues have been framed in this case:

1.	Whether the defendants are under a statutory duty to maintain the electricity pole, the service connection, the stay wire and other supporting electrical installations in a safe condition free from the leakage or flow of electricity?
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2.	Whether the death of Late Ponnuthurai by electrocution occurred due to the negligence, lack of proper maintenance and failure to observe the prescribed safety measures by the officials of the Electricity Board?
3.	Whether the defendants are liable to pay compensation to the plaintiffs for the death of Late Ponnuthurai?
4.	If so, what is the quantum of compensation to which the plaintiffs are entitled?
5.	To what other reliefs are the plaintiffs entitled?

5. On the side of the plaintiffs two witnesses the plaintiff herself examined as P.W.1 and P.W.2, and Ext.A.1 to Ext.A.6 have been marked. On the side of the defendants two witnesses were examined as D.W.1 and D.W.2 and Ext.B.1 to Ext.B.4 have been marked and Ext.X.1 to Ext.X.4 were marked.

6. **Issue Nos.1 & 2:** The case of the plaintiffs is that Late Ponnuthurai met with an untimely death by electrocution after coming into contact with an energized stay wire attached to an electricity pole forming part of the distribution system maintained by the defendants. The defence of the defendants is that the occurrence was exclusively attributable to a defect in the consumer's service connection, allegedly caused by heavy rainfall and lightning, and that there was neither negligence nor any omission on the part of the Electricity Board.

7. At the outset, it is not in dispute that Late Ponnuthurai died on account of electrocution. The First Information Report, the Inquest Report and the Post-Mortem Certificate unequivocally establish that the cause of death was electric shock. It is equally undisputed that the electrical energy which resulted in the fatal accident

emanated from the electrical distribution system owned, controlled and maintained by the defendants.

8. The principal defence advanced by the defendants is that the consumer's PVC insulated service wire was damaged due to heavy rain and lightning, thereby energising the G.I. service pipe, which subsequently came into contact with the stay wire, causing the latter to become live. Even assuming, for the sake of argument, that the said version is factually correct, the inescapable position remains that the stay wire forming part of the defendants' electrical infrastructure became energized and caused the death of the deceased. Such a circumstance, by itself, is sufficient to attract the liability of the defendants.

9. The transmission and distribution of electricity constitute an inherently hazardous and potentially dangerous activity. It is a well-settled principle of law that an authority engaged in such an activity owes a high degree of care to the public. The Hon'ble Supreme Court, in *Madhya Pradesh Electricity Board v. Shail Kumari* [(2002) 2 SCC 162], has categorically held that where electricity escapes from the distribution system maintained by the Electricity Board and causes injury or death, the Board incurs liability under the doctrine of strict liability and cannot evade responsibility merely by attributing the immediate cause of the accident to the act or omission of the consumer or any third party. The liability arises from the inherently dangerous nature of the activity and the corresponding duty cast upon the authority to ensure that no part of its electrical infrastructure becomes a source of danger to the public.

10. The defendants, being the statutory authority entrusted with the transmission and distribution of electricity, were under a continuing statutory obligation to maintain the entire electrical distribution system in a safe and secure condition. If the stay wire had become energized, the protective mechanisms incorporated in the distribution network, including fuses, circuit breakers and other safety devices, ought to have automatically disconnected or isolated the supply, thereby preventing the escape of electrical energy. The very fact that the stay wire remained live and caused the fatal electrocution unmistakably indicates a failure of the safety and protective mechanisms maintained by the defendants.

11. Furthermore, the defendants have failed to establish, by producing satisfactory documentary or oral evidence, that the stay wire was fitted with the prescribed stay insulator and other mandatory protective devices in accordance with the applicable statutory regulations and safety standards. Equally, no convincing material has been placed before this Court to demonstrate that periodic inspections of the electrical installations were conducted in the manner mandated under the relevant statutory provisions and safety regulations. If, as alleged by the defendants, the G.I. service pipe had been installed in hazardous proximity to the stay wire, such a dangerous condition ought to have been detected during routine inspections and immediate corrective measures ought to have been undertaken. The omission to detect and rectify such a hazardous condition constitutes a clear breach of the statutory duty of care cast upon the defendants.

12. The contention of the defendants that the accident occurred due to heavy rainfall, thunder or lightning is equally devoid of merit. Such climatic conditions are neither extraordinary nor unforeseeable. They are natural and foreseeable incidents, particularly in this region, against which the electrical infrastructure is expected to be adequately designed, maintained and protected by appropriate safety devices. Consequently, the defendants cannot invoke the plea of *vis major* or *Act of God* to absolve themselves of liability, especially when the escape of electricity from their distribution system has been established.

13. Another significant circumstance which assumes considerable importance is the failure of the defendants to produce the report of the Electrical Inspector, who is the independent statutory authority entrusted with the investigation of electrical accidents. The report of the Electrical Inspector would have constituted the best and most reliable evidence regarding the cause and manner of the occurrence. The withholding of such a material document, without any satisfactory explanation, justifies the drawing of an adverse inference under Section 114 illustration (g) of the Indian Evidence Act, 1872, that, had the report been produced, it would not have supported the defence set up by the defendants.

14. Upon a careful appreciation of the entire oral and documentary evidence available on record, this Court is satisfied that Late Ponnuthurai died due to electrocution caused by coming into contact with an energized stay wire forming an integral part of the electrical distribution system maintained by the defendants. The defendants have failed to discharge the burden of rebutting the plaintiffs' case either

on facts or in law. On the contrary, the evidence on record establishes negligence, breach of statutory duty and, in any event, attracts the doctrine of strict liability governing the transmission and distribution of electricity.

15. Accordingly, this Court holds that the defendants are jointly and severally liable to compensate the plaintiffs for the death of Late Ponnuthurai. Issue No.1 & 2 are answered in favour of the plaintiffs and against the defendants.

16. **Issue Nos.3 & 4:** In The plaintiffs have sought compensation in a sum of ₹30,00,000/- for the untimely death of Late Ponnuthurai. The evidence available on record establishes that the deceased was aged 46 years at the time of the accident and was earning his livelihood by carrying on agriculture and milk vending. Although no documentary evidence has been adduced to establish his precise monthly income, the absence of such evidence cannot, by itself, constitute a ground for denying just and reasonable compensation to the dependants of the deceased.

17. It is a settled principle of law that, where the income of the deceased cannot be proved by documentary evidence, the Court is empowered to determine a reasonable notional income having regard to the nature of the avocation, the age of the deceased, the year of the accident, the prevailing economic conditions and the attendant facts and circumstances of the case. Simultaneously, the Court is under a statutory obligation to award "just compensation" founded upon the evidence on record and the settled principles governing assessment of compensation, rather than being guided solely by the amount claimed in the plaint.

18. Having regard to the nature of the avocation of the deceased, the year in which the accident occurred, and the prevailing economic conditions, this Court considers it appropriate to fix the notional monthly income of the deceased at ₹15,000/-.

19. Since the deceased was self-employed and was aged 46 years at the time of his death, an addition of 25% towards future prospects is warranted in terms of the law laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi* [(2017) 16 SCC 680]. Consequently, the monthly income, after adding future prospects, is determined at ₹18,750/-.

20. The evidence further discloses that the deceased was survived by five dependants, namely, his wife, three children and his aged mother. In accordance with the principles enunciated by the Hon'ble Supreme Court in *Sarla Verma v. Delhi Transport Corporation* [(2009) 6 SCC 121], one-fourth of the income is liable to be deducted towards the personal and living expenses of the deceased. After such deduction, the monthly contribution to the family works out to ₹14,063/- and the annual contribution to ₹1,68,756/-. Applying the multiplier of '13', which is applicable to the age group of 46 years as prescribed in *Sarla Verma* (supra), the loss of dependency is computed at ₹21,93,828/-.

21. Apart from the loss of dependency, the plaintiffs are entitled to compensation under the conventional heads. Accordingly, a sum of ₹40,000/- is awarded towards spousal consortium to the first plaintiff; ₹1,20,000/- towards parental consortium to plaintiffs 2 to 4 at the rate of ₹40,000/- each; ₹40,000/-

towards filial consortium to the aged mother; ₹15,000/- towards loss of estate; and ₹15,000/- towards funeral expenses. Thus, the total amount payable under the conventional heads comes to ₹2,30,000/-.

22. Accordingly, the total compensation payable to the plaintiffs is computed as follows:

Head of Compensation	Amount (₹)
Loss of Dependency	21,93,828/-
Spousal Consortium	40,000/-
Parental Consortium	1,20,000/-
Filial Consortium	40,000/-
Loss of Estate	15,000/-
Funeral Expenses	15,000/-
Total	24,23,828/-

23. The aforesaid amount is rounded off to ₹24,25,000/- (Rupees Twenty-Four Lakhs and Twenty-Five Thousand only), which, in the considered opinion of this Court, constitutes just, fair and reasonable compensation commensurate with the loss suffered by the plaintiffs.

24. This Court has already held, while answering Issue No.1 & 2, that the death of Late Ponnuthurai occurred due to electrocution caused by an energized stay wire forming part of the electrical distribution system maintained by the defendants.

The defendants, being an authority engaged in the transmission and distribution of electricity, carry on an inherently hazardous activity and are governed by the doctrine of strict liability as authoritatively laid down by the Hon'ble Supreme Court in *Madhya Pradesh Electricity Board v. Shail Kumari* [(2002) 2 SCC 162]. Once it stands established that the fatal electrocution resulted from the escape of electricity from the distribution system under the control of the defendants, they cannot evade their liability by attributing the immediate cause of the occurrence to the consumer or to any third party.

25. In view of the foregoing discussion, this Court holds that the defendants are jointly and severally liable to compensate the plaintiffs. Accordingly, the plaintiffs are entitled to recover a sum of ₹24,25,000/- (Rupees Twenty-Four Lakhs and Twenty-Five Thousand only) from the defendants, jointly and severally, together with interest thereon at the rate of 6% per annum from the date of presentation of the plaint until the date of realisation, besides proportionate costs. Accordingly, Issue Nos.3 & 4 are answered in favour of the plaintiffs and against the defendants.

26. **Issue No.5:** In view of the findings given in the Issue Nos.1 to 4 the plaintiff is entitled for a compensation amount of Rs.24,25,000/- from the defendants with 6% interest and the issue is answered accordingly.

27. In the result, the suit is decreed with costs. The defendants are jointly and severally directed to pay a sum of Rs.24,25,000/- (Rupees Twenty Four Lakhs and Twenty Five Thousand only) to the plaintiffs together with interest at the rate of

6% per annum from the date of the plaint till the date of realisation. The defendants shall be deposited the amounts within a period of three months from the date of this judgment.

Dictated by me to the steno-typist directly and typed by him on the computer, and thereafter corrected by me, and pronounced in open court by me on the 30th day of July 2026.

Principal District Judge,
Tenkasi.

Plaintiffs side Witnesses:

1. Tmt.Mangalasundari.
2. Thiru.Murugeshwaran.

Plaintiffs side Documents:

1.	Ext.A.1	Xerox copy of FIR in Crime Number 403/2023 of Pavoorchatram P.S.
2.	Ext.A.2	Copy of the Legal notice issued to the 2 to 4 defendants with postal receipts.
3.	Ext.A.3	Postal acknowledgment cards.(3 in nos.)
4.	Ext.A.4	Xerox copy of the legal heir certificate of Ponnudurai.
5.	Ext.A.5	Death Certificate of Ponnudurai.
6.	Ext.A.6	Reply given by the Executive Engineer Distribution(Rural),Tirunelveli to the plaintiffs counsel.

Defendants side Witnesses -

1. Thiru.Nambirajan.
2. Thiru.Pavunraj.

Defendants side Documents -

1.	Ext.B.1	Photos showing the electric line.
2.	Ext.B.2	Photos with CD.

3.	Ext.B.3	Authorisation letter given to D.W.2.
4.	Ext.B.4	Letter given by Thangadurai for taking CTC wire from his agricultural E.B.Connection.

Documents on the side of witness:

1.	Ext.X.1	Xerox copy of the observation mahazar.
2.	Ext.X.2	Xerox copy of the rough sketch.
3.	Ext.X.3	Xerox copy of the postmortem certificate.
4.	Ext.X.4	Xerox copy of the Final Report filed in Cr.No.403/2023 of Pavoorchatram P.S.

Principal District Judge,
Tenkasi.