



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

REGULAR FIRST APPEAL NO. 200081 OF 2019 (MON)

BETWEEN:

1. GRAM PANCHAYAT,
ADAVIBHAVI VILLAGE
REPRESENTED BY THE
PANCHAYAT DEVELOPMENT OFFICER,
ADAVIBHAVI VILLAGE,
TQ: LINGASUGUR DIST: RAICHUR.
2. THE EXECUTIVE OFFICER,
TALUK PANCHAYAT LINGASUGUR
DIST: RAICHUR.
3. THE CHIEF EXECUTIVE OFFICER,
ZILLA PANCHAYAT RAICHUR,
DIST: RAICHUR.

...APPELLANTS

(BY SRI. GOURISH S.KHASHAMPUR, ADVOCATE)

AND:

1. ANASUYA
W/O SHIVAPPA
AGE: ABOUT 29 YEARS,
OCC: HOUSEHOLD,
2. DAYANAND
S/O SHIVAPPA,
AGE: ABOUT 7 YEARS,
OCC: STUDENT SINCE MINOR
REPT. BY HIS NATURAL GUARDIAN HIS
MOTHER RESPONDENT NO.1 HEREIN.



3. TARUN S/O SHIVAPPA
AGE: ABOUT 11 YEARS,
OCC: STUDENT SINCE MINOR
REPT. BY HIS NATURAL GUARDIAN HIS
MOTHER RESPONDENT NO.1 HEREIN.
4. UDAY @ RAVI S/O SHIVAPPA
AGE: ABOUT 7 YEARS,
OCC: STUDENT SINCE MINOR
REPT. BY HIS NATURAL GUARDIAN HIS
MOTHER RESPONDENT NO.1 HEREIN.

ALL ABOVE ARE R/O: ADAVIBHAVI TANDA VILLAGE,
TQ: LINGASUGUR DIST: RAICHUR – 584 122.

5. THE MANAGING DIRECTOR,
THE GULBARGA ELECTRICITY SUPPLYING COMPANY
(GESCOM) KALABURAGI – 585 102.
6. THE SUPERINTENDENT ENGINEER,
O & M CIRCLE OFFICER, GESCOM,
R/O: OPP: LIC OFFICE, RAICHUR – 584 101.
7. THE EXECUTIVE ENGINEER,
O & M DIVISION, GESCOM,
SINDHANUR DIST: RAICHUR – 584 128.
8. THE ASSISTANT EXECUTIVE ENGINEER,
O & M SUB-DIVISION,
GESCOM, SINDHANUR DIST: RAICHUR – 584 128.

...RESPONDENTS

(BY SRI. BASAVARAJ R.MATH, ADVOCATE FOR R1;
SRI NAGARAJ PATIL, ADVOCATE FOR R5 TO R8;
(R2 TO R4 ARE MINORS REPRESENTED BY R1)

THIS RFA IS FILED UNDER SECTION 96 OF CPC, PRAYING TO
ALLOW THIS APPEAL AND SET ASIDE THE JUDGMENT AND DECREE
DATED 08.01.2019 PASSED BY THE HON'BLE SENIOR CIVIL JUDGE
AND JMFC AT LINGASUGUR IN O.S.NO.15/2018 IN THE INTEREST OF
JUSTICE AND GRANT ANY OTHER REMEDY TO WHICH THESE
APPELLANTS ARE FOUND ENTITLED IN THE FACTS AND
CIRCUMSTANCES OF THE CASE.

THIS APPEAL, COMING ON FOR FINAL HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA)

Heard Sri Gourish S. Kashampur, learned counsel for the appellants as well as Sri Basavaraj R. Math, learned counsel for respondent No.1.

2. Challenge in this appeal is the judgment that is rendered by the Court of Senior Civil Judge, Lingasugur, in O.S No.15/2018, dated 08.01.2019.

3. Respondents No.1 to 4 filed a suit for damages against the appellants herein as well as against respondents No.5 to 8. The Trial Court decreed the suit and rendered judgment against appellants herein. Appellants were directed to pay a sum of Rs.17,92,128/- to respondents No.1 to 4, together with interest at the rate of 9% per annum from the date of suit till realization.



4. The case of respondents No.1 to 4 is that respondent No.1 is the wife and respondents No.2 to 4 are the minor children of the deceased Shivappa (hereinafter referred to as 'deceased' for brevity). On 27.05.2016, the official of appellant No.1, directed the deceased to insert pipe in a bore-well. When the deceased was carrying out the work, he came in contact with a live wire of GESCOM, which was passing over said bore-well, in which he was working and thereby, due to electric shock, the deceased died on the spot.

5. Respondents No.1 to 4 / plaintiffs contended that had appellant No.1 took precautionary measures at the place of work, the incident would have been avoided. They also took a stand that, GESCOM authorities were negligent and they also failed to maintain the live electricity wires properly and as per the Rules laid down.

6. Trial Court basing on the evidence produced i.e., evidence of PW1 and PW2, DW1 and Exs.P1 to P38, came to a conclusion that respondents No.1 to 4 /



plaintiffs succeeding in establishing their claim and thereby, decreed the suit.

7. Learned counsel for the appellants contends that the reasoning given by the Trial Court is improper. Trial Court failed to take note of the fact that the incident is purely accidental and there is no negligence whatsoever on part of the appellants. Learned counsel also states that the Trial Court granted more than the amount claimed by respondents No.1 to 4 / plaintiffs. The deceased though a skilled labour was not diligent in carrying out repair work and therefore, he himself is responsible for the incident to occur which resulted in his death. The deceased was not employed by the appellants and no documents whatsoever were produced by respondents No.1 to 4 / plaintiffs to show the existence of any contractual relationship between the deceased and the appellants. Learned counsel further submits that negligence if any lies only with the respondents Nos.5 to 8, but not with the appellants. Learned counsel by submitting thus, seeks to allow the



appeal and thereby set-aside the decree passed by the Trial Court.

8. *Per contra*, learned counsel for the respondents No.1 to 4 contends that appellants failed to contest the suit. They failed to file their written statement and equally failed to cross-examine any of the witnesses. Thus in the absence of any defence being taken at the stage of trial, they are prevented to make these contentions in the appeal. Learned counsel also states that the amount awarded towards damages is on lower side and indeed respondents No.1 to 4 are entitled to a higher sum.

9. Undoubtedly, appellants though entered into appearance through their counsel, failed to file written statement. Equally, appellants failed to cross-examine either the witnesses of respondents No.1 to 4 / plaintiffs i.e., PWs.1 and 2 or defendant No.7 i.e., DW.1.

10. Trial Court at Para No.20 of the judgment, made a clear mention that appellants No.1 to 3 i.e.,



defendants No.1 to 3 did not contest the suit by filing their written statement and have not led any evidence. It also observed that appellant No.1 / defendant No.1 regularly attended the Court in C.C.No.59/2017 filed for the offence punishable under Section 304-A IPC, where he is an accused and which case was filed basing on the same incident, but failed to contest the suit.

11. The Trial Court also observed that the learned AGP who represented appellants / defendants No.1 to 3 addressed a letter dated 03.11.2018 to the Deputy Commissioner, Raichur and Assistant Commissioner, Lingusguru stating that appellant No.1 / defendant No.1 is not turning up for giving instructions to prosecute the suit.

12. Giving a finding that appellant No.1 / defendant No.1 is solely responsible for the cause of accident and appellants No.2 and 3 / defendants No.2 and 3, who are Senior Supervisory Officials of Grama Panchayath, Adavi



Bhavi Tanda are also vicariously liable, the suit was decreed.

13. Respondents Nos.1 to 4/plaintiffs produced sufficient evidence to show that the deceased was summoned by appellant No.1 / defendant No.1 for repair of public bore-well and on his instructions, deceased undertook that work.

14. Therefore, we do not find any grounds whatsoever to interfere with the findings given by the Trial Court that the respondents No.1 to 4 succeeded in proving that the deceased died due to the negligence of the appellants herein.

15. Coming to the quantum of amount that is awarded towards damages, giving cogent and convincing reasons and further applying the yardsticks to be applied for calculating the amount which respondents No.1 to 4 / plaintiffs No.1 to 4 who are the dependents of the deceased being wife and children are entitled to, came to a just conclusion that they are entitled to a sum of



Rs.17,92,128/-. The observations made in that regard at Para No.33 of the judgment requires no interference.

16. Thus, ultimately we are of the view that there are no grounds to set aside the impugned judgment and decree passed by the Trial Court by which liability is fastened upon the appellants herein to compensate respondents No.1 to 4, for the loss they sustained due to the death of the deceased. Hence, the following:-

ORDER

I. The appeal is dismissed without costs.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

THM/KJJ
List No.: 1 Sl No.: 16
CT:VK