

(2014) 02 KL CK 0197

High Court Of Kerala

Case No: RFA. No. 345 of 2008 (E)

Kerala State Electricity Board

APPELLANT

Vs

George

RESPONDENT

Date of Decision: Feb. 6, 2014

Hon'ble Judges: T.B. Radhakrishnan, J; A. Muhamed Mustaque, J

Bench: Division Bench

Advocate: Asok M. Cherian and Sri. Pulikoolabubacker, for SC, KSEB, Advocate for the Appellant; V. Rajendran (Perumbavoor) and Sri. George Varghese Kizhakkambalam, Advocates for R1, 2, 4 and 5, Advocate for the Respondent

Final Decision: Dismissed

Judgement

Thottathil B. Radhakrishnan, J.

This appeal by the Kerala State Electricity Board as against a decree for compensation granted in a case of electrocution comes up with an application seeking condonation of delay of 384 days.

2. Notwithstanding the fact that we are not satisfied that sufficient cause has been shown for condonation of delay, we proceed to look into the merits of the case as well.

3. The defence set up by the Board was that the deceased got electric shock within the internal insulation in the premises of the deceased. The defence set up to the aforesaid plea was that the electricity had percolated through the outdated service wire and the deceased came into contact with the wire when she was drying the rubber sheets in the backside of the courtyard of the building. No evidence was tendered on behalf of the Board. The Electrical Inspector's report (Ext. X1) was available and the court below concluded that the said report clearly showed the breakage of service lines at different portions. Under such circumstances, the doctrine of strict liability applies. See for support, 2002 ACJ 337 (SC) , [Madhya Pradesh Electricity Board Vs. Shail Kumari and Others, and Varghese and](#)

Thressiamma Vs. Kerala State Electricity Board, . The plea of the Board in this appeal on the ground of negligence fails.

4. Onto the question of quantum of compensation, we do not find any ground to interfere with the amount fixed applying the yardsticks. Taking into consideration the age of the deceased, who was a housewife and the multifarious services rendered by the housewives for managing the entire family, even on a modest estimation, the court below was right in having come to the reasonable conclusion that in the light of the decision of the Honourable Supreme Court of India in Lata Wadhwa and Others Vs. State of Bihar and Others, , the compensation payable ought to be Rs. 1,75,000/-. We see no ground to interfere in this appeal on the question of quantum as well.

In the result, C.M. Application is dismissed as no sufficient cause is shown. Resultantly, the appeal is rejected. In view of the rejection, refund the court fee paid on the appeal to the appellants.