
(2014) 02 KL CK 0073

In the High Court Of Kerala

Case No : R.F.A. No. 29 of 2004 and C.M. Appl. No. 106 of 2004

Chairman, K.S.E. Board

APPELLANT

Vs

Madathil Kunnummal Kunhayisha

RESPONDENT

Date of Decision : 06-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0073

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

Bench : Division Bench

Advocate : A. Sudhi Vasudevan, SC, KSEB, Sri P. Santhalingam (SR.) and Sri S. Sharan, SC, K.S.E. Board, Advocate for the Appellant; B.V. Joy Sanker, Advocate for R1 To R4, Smt. P. Santhalingam and Sri. S. Sharan, Senior Advs, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—This appeal comes with an application seeking condonation of delay of 101 days in filing the appeal against the decree for compensation on account of electrocution.

2. Kerala State Electricity Board is the appellant. At this distance of time, we also thought that it is appropriate to look into the merits of the appeal as well. There is no contra evidence adduced by the Board. The written statement of the Board and its officers did not dispute the fact that an electric line had snapped and was hanging. All that appears is that the Board could not justify the reason of such situation. The finding of the court below is therefore only to be upheld as 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, .

3. Onto the question of quantum of compensation, we see that the plaintiffs have been granted a total amount of Rs. 2,56,000/-, taking into account the loss of income, pain and mental suffering and also the loss of a cow to electrocution,

contemporaneous with the death of the deceased person.

4. We see no ground to interfere in this appeal and there is no merit in the appeal. For the aforesaid reasons, application for condonation of delay is dismissed.

Resultantly, the appeal is rejected. In view of the rejection, refund the court fee paid on the appeal to the appellants.