



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE MR JUSTICE S.R.KRISHNA KUMAR

REGULAR FIRST APPEAL NO.161 OF 2022 (RES)

BETWEEN:

1. SMT K.S LAKSHMIDEVI
@ LAKSHMIDEVAMMA
W/O LATE HULIYAPPA
AGED ABOUT 39 YEARS
2. H BHAVYA
D/O LATE HULIYAPPA
AGED ABOUT 20 YEARS
3. H SACHIN
S/O LATE HULIYAPPA
AGED ABOUT 16 YEARS

SINCE APPELLANT NO.3 IS MINOR
REP. BY THEIR NATURAL GUARDIAN
SMT K S LAKSHMIDEVI @ LAKSHMIDEVAMMA,
MOTHER 1ST PLAINTIFF

ALL ARE RESIDING AT IMMADAGONDANAHALLI VILLAGE
PURAVALA HOBLI, MADHUGIRI TALUK
TUMKURU DISTRICT - 572101

...APPELLANTS

(BY SRI. GIRISH B BALADARE, ADVOCATE)

AND:

SUPERINTENDENT ENGINEER,
BESCOM, O AND M CIRCLE, OLD KOTHITHOPU ROAD,
TUMAKURU, TUMAKURU DISTRICT - 572101

...RESPONDENT

(BY SRI. H V DEVARAJU, ADVOCATE)





THIS RFA FILED UNDER SEC.96 R/W ORDER 41 RULE 1 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 11.09.2017 PASSED IN O.S.NO.19/2017 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND CJM., TUMAKURU, DECREERING THE SUIT FOR DAMAGES AND COMPENSATION.

THIS APPEAL, COMING ON FOR *ORDERS*, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is directed against the impugned judgment and decree dated 11.09.2017 passed in O.S.No.19/2017 by the Prl.Senior Civil Judge and CJM, Tumakuru, whereby the said suit filed by the appellants – plaintiffs for compensation on account of the demise of one late Huliyyappa due to electrocution in the year 2012 was partly decreed in favour of the appellants, thereby awarding compensation of Rs.10 lakhs together with interest at 6% p.a. from the date of suit till realization in addition to Rs.1 lakh already received by them from the respondents.

2. Heard learned counsel for the appellants and learned counsel for the respondent – BECOM and perused the material on record.

3. The material on record discloses that the appellants – plaintiffs being the wife and children of late Huliyyappa, who died as



a result of electrocution in the year 2012, instituted the aforesaid suit for compensation and other reliefs against the respondent – defendant. The said suit was contested by the respondent – BESCOM, pursuant to which, the trial court framed the issues and after recording oral and documentary evidence of both sides, proceeded to pass the impugned judgment and decree awarding Rs.10 lakhs by way of compensation in addition to Rs.1 lakh already paid by the respondent - BECOM to the appellants. It is the grievance of the appellants that the quantum of compensation awarded is meager and inadequate and as such, they are before this Court by way of the present appeal seeking enhancement of compensation.

4. As rightly contended by the learned counsel for the appellant that the quantum of compensation payable in favour of the appellants, bearing in mind the notional income of the deceased and in the light of the principles pertaining to awarding compensation in fatal road accident cases in relation to motor vehicles as held by the Apex Court and this Court, I am of the considered opinion that the compensation payable in favour of the appellants is as under:-



Notional Income in 2012 as per Lok Adalat guidelines	Rs.7,000/- p.m.
40% future prospects	Rs.2,800/-
(-) 1/3 rd towards personal expenses	Rs.3,267/-
Annual income = Rs.6533 x 12 x 15 = Rs.11,75,940/-	
Loss of consortium	= Rs. 1,20,000/-
Loss of Estate	= Rs. 15,000/-
Funeral Expenses	= Rs. 15,000/-
TOTAL	= Rs.13,25,940/-
(-) Compensation already received	= Rs.11,00,000/-
Balance payable	= Rs. 2,25,940/-

5. In the result, I pass the following:-

ORDER

(i) Appeal is hereby ***allowed***.

(ii) The impugned judgment and decree dated 11.09.2017 passed in O.S.No.19/2017 by the Prl. Senior Civil Judge & CJM, Tumakuru, is hereby modified.



(iii) Appellants are entitled to additional compensation of Rs.2,25,940/- in addition to Rs.11,00,000/- already awarded by the trial Court.

(iv) Additional compensation of Rs.2,25,940/- shall carry interest at 6% per annum from the date of institution of the suit till payment.

(v) However, the appellants are not entitled to any interest for the delayed period of 826 days.

**Sd/-
JUDGE**

SV/SRL
List No.: 1 SI No.: 31