

SUPREME COURT OF INDIA

Kerala State Electricity Board

Vs.

Sherry

C.A.No.5095 of 2008

(S.B. Sinha and Aftab Alam JJ.)

13.08.2008

ORDER

1. Leave granted.

2. This appeal is directed against the judgment and order dated 10.1.2008 passed by the High Court of Kerala in C.R.P. No.1015/2005, whereby and whereunder an additional compensation for a sum of Rs. 1,47,256/- has been granted by way of compensation for the trees cut for drawing overhead electrical line in terms of provisions of the Indian Telegraph Act.

3. The issue involved in this appeal is since covered by a decision of this Court in *Kerala State Electricity Board vs. Livisha & Ors.*¹, followed in *Kerala State Electricity Board vs. B. Sreekumari*².

4. In that view of the matter, we are of the opinion that interest of justice would be subserved if the impugned judgment is set aside and the matter is remitted to the High Court for consideration thereof afresh in the light of the aforesaid decisions of this Court. We direct accordingly.

5. The appeal is disposed of accordingly. No costs.

¹2007 (6) SCC 792

²2008(5) SCC 398