

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO. 5095 OF 2008

[Arising out of SLP(C) No. 10827/2008]

KEARALA STATE ELECTRICITY BOARD

... APPELLANT(S)

:VERSUS:

SHERRY

... RESPONDENT(S)

ORDER

Leave granted.

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.

The issue involved in this appeal is since covered by a decision of this Court in Kerala State Electricity Board vs. Livisha & Ors., [2007 (6) SCC 792] followed in Kerala State Electricity Board vs. B. Sreekumari, [2008(5) SCC 398].

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.

The appeal is disposed of accordingly. No costs.

**.....J
(S.B. SINHA)**

**NEW DELHI,
AUGUST 13, 2008.**

**.....J
(AFTAB ALAM)**