

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH**

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

MACA.No. 275 of 2010 ()

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AGAINST THE AWARD IN OP(MV) 2401/2002 OF PRINCIPAL MOTOR ACCIDENTS CLAIMS
TRIBUNAL, KOZHIKODE DATED 18-06-2008
APPELLANTS/PETITIONERS IN OP(MV):**

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- 1. MUHAMMED, S/O.MAMMUKUTTY, AGED 44 YEARS,
(FATHER OF THE DECEASED)**
 - 2. ALEEMA, W/O.MUHAMMED, AGED 39 YEARS,
(MOTHER OF THE DECEASED)**
 - 3. ASULAMIYA, D/O.MUHAMMED, AGED 19 YEARS,
(SISTER OF THE DECEASED)**
 - 4. MOHAMMED ANAS, S/O.MOHAMMED, AGED 15 YEARS
(MINOR)REP.BY FATHER MOHAMMED
(BROTHER OF THE DECEASED)**

**ALL ARE RESIDING AT NADUKANDIPURAYIL, MANDAKKAL
P.O.POOVATTUPARAMBA, CALICUT.**

**BY ADVS.SRI.K.M.JAMALUDHEEN
SMT.LATHA PRABHAKARAN**

RESPONDENTS/RESPONDENTS IN OP(MV):

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- 1. K.K.IBRAHIM, KALLUVETTUKUZHIYIL HOUSE,
2/220, MAVOOR P.O. CHERUPPA, CALICUT.**
 - 2. SHANAVAS, S/O.MUHAMMED, AGED 30 YEARS,
HAZEENA MANZIL, KALLERI VERIPPIL PARAMBA, PERUVAYAL
CALICUT.**
 - 3. NATIONAL INSURANCE CO.LTD., DIVISIONAL OFFICE -II
P.B.NO.811, NOOR COMPLEX
MAVOOR ROAD, NEAR ARAYIDATHUPALAM, CALICUT.**

R3 BY ADV. SRI.M.A.GEORGE

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:
shg/**

T.R. RAMACHANDRAN NAIR & K.P. JYOTHINDRANATH, JJ.

M.A.C.A.No.275 of 2010

Dated this the 29th day of June, 2015

J U D G M E N T

K.P. Jyothindranath, J.

This appeal is preferred against the award in O.P. (M.V.)No.2401/2002 on the file of the Principal Motor Accident Claims Tribunal, Kozhikode. The quantum is under challenge.

2. The case of the appellants is that they are parents, sister and brother of Abdul Rasheed, who died in a motor vehicle accident occurred on 31.05.2002. The case is that while the deceased was riding a bicycle an autorickshaw came and hit against the same and in that accident deceased sustained very serious injuries and succumbed to the injuries. The deceased was aged only 14 years.

3. When the appeal came up for hearing the learned counsel for the appellants submitted before us that even though a total claim of Rs.5 lakhs is made, the Tribunal only

awarded a sum of Rs.1,35,000/-.

4. The learned counsel for the Insurance Company submitted before us that principles are discussed by the Hon'ble Supreme Court in **New India Assurance Co. v. Satendar [2006 (4) KLT 974 (SC)]**. In this case the Tribunal paid a lump sum amount. Surely in a case like this when the deceased was a student who is aged 14 years the multiplier method can be adopted. In a case of a boy aged 14 years, the multiplier available will be 15. Notional income can be considered. There will be also loss of love and affection. Funeral expenses also will be there. The boy might have suffered pain and sufferings. Surely there will be transportation expenses. Under such circumstances, the compensation is re-fixed as follows:

Head of claim	Amount awarded in Rs.
Loss of dependency	15000x15 225000
Loss of love and affection	100000
Funeral expenses	25000
Pain and suffering	10000
Transportation	2000
Total	3,62,000 (Rupees three lakh sixty two thousand only)

The enhanced compensation will carry interest at the rate of 9% per annum from the date of petition till realisation.

There will be a direction to the Insurance Company to deposit the amount of compensation, with interest less the amount already deposited, before the Tribunal within a period of three months and we permit the claimants to withdraw the amount after the same is deposited by the Insurance Company.

The appeal is accordingly allowed. There will be no order as to costs in the appeal.

Sd/-

T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

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