

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

MACA.No. 2256 of 2013 ()

AGAINST THE AWARD IN OPMV 1297/2008 ON THE FILE OF THE MOTOR
ACCIDENTS CLAIMS TRIBUNAL, IRINJALAKUDA DATED 27-06-2013

APPELLANTS/PETITIONERS:

1. PARAMESWARAN.V.,
S/O.BALAKRISHNAN NAIR, VEETTITHOTTATHIL HOUSE
MANNAMPETTA DESOM, AMBALLUR VILLAGE, VARAKKARA P.O.
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. THANKAM,
D/O.BALAKRISHNAN NAIR & W/O.ACHUTHAN NAIR
VEETTITHOTTATHIL HOUSE, MANNAMPETTA DESOM
AMBALLUR VILLAGE, VARAKKARA P.O., MUKUNDAPURAM TALUK
THRISSUR DISTRICT.

BY ADV. SRI.V.BINOY RAM

RESPONDENTS/RESPONDENTS:

1. SALEEL K.A.,
MANAGING PARTNER, UNITED ENTERPRISES, 8/10IJ
KATTUVEETIL BUILDING, 2ND FLOOR, SH MOUNT P.O.
KOTTAYAM.

2. SHIJU.S.,
S/O.SANKARAN, SHIJI BHAVANAM, VARAYANDAR HOUSE
KALLERIPADAM DESOM & VILLAGE, KARUNAGAPPALLY TALUK
KOLLAM DISTRICT, PIN-690544.

3. THE MANAGER,
THE NEW INDIA ASSURANCE COMPANY LTD., BRANCH OFFICE
CO-OPERATIVE BANK BUILDING, CENTRAL JUNCTION
KOTTAYAM P.O., PIN-686001.

R3 BY ADV. SRI.P.G.GANAPPAN
R BY SRI.A.A.ZIYAD RAHMAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

AL/-

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

M.A.C.A. No.2256 of 2013

Dated this the 11th day of February 2015

JUDGMENT

Ramachandran Nair, J.,

This appeal is filed by the claimants who are respectively the brother and sister of one Narayanan. The accident occurred on 4.1.2008 at 8.15 p.m. While he was walking along the Amballur- Kodakara N.H., when he reached at Pudukad Centre, a lorry bearing Registration No. KL-5/X 4425 came from the opposite direction and hit against the petitioner and he succumbed to the injuries on he way to the Government Hospital, Pudukkad. He was aged 44 years and was working as a coolie cum lottery ticket seller. He was a bachelor.

2. The claimants claimed total amount of compensation of Rs. 4,49,000/- out of which Rs. 3,03,000/- has been awarded by the Tribunal.

3. We heard learned counsel on both sides.

4. The Tribunal has awarded the compensation amount by taking a notional income of Rs. 3,500/- and by deducting 50%

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for his personal expenses. The multiplier taken is 13.

5. Even though, the claimants will not take the character as the legal representatives, in the light of the well settled principles reiterated by the Apex Court, we are not examining the said question since the appeal is at the instance of claimants for enhancement of quantum.

6. Even though, the learned counsel for the appellant submitted that the amount requires modification, we find that the total compensation awarded at Rs. 3,03,000/- is just and fair compensation.

Accordingly, the appeal is dismissed. No costs in the appeal.

Sd/-

**T.R.RAMACHANDRAN NAIR
(JUDGE)**

Sd/-

**P.V.ASHA
(JUDGE)**

AL/-

True copy

P.A to Judge

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