

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

TUESDAY, THE 24TH DAY OF FEBRUARY 2015/5TH PHALGUNA, 1936

MACA.No. 284 of 2008 ()

AGAINST THE AWARD IN OPMV 512/2002 of M.A.C.T., THALASSERY DATED 04-08-2007

APPELLANT(S) PETITIONERS:

1. A.K.UMMER, S/O. IBRAHIM, AGED 60 YEARS,
THOLAMBRA POST, PERAVOOR, THALASSERY TALUK.

2. SUHARA, W/O. A.K.UMMER, AGED 52 YEARS,
THOLAMBRA POST, PERAVOOR, THALASSERY TALUK.

BY ADV. SRI.C.P.PEETHAMBARAN

RESPONDENT(S) /RESPONDENTS IN O.P. (MV):

1. RAJA @ YUVARAJ, SIDDA LINGA PURA,
SOMAVAS PETTE, KODAGUE DISTRICT.

2. R.RAMACHADRA, BAJEGUNDI,
KUSHBOOR POST, SOMWARPET TALUK, KODAGUE DISTRICT.

3. THE ORIENTAL INSURANCE CO.LTD,
OPP.TOWN HALL CHICKPET, P.B.NO.41, MIDIKKERI -571 201.

R1&2 BY ADV. SRI.CIBI THOMAS

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 24-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

MACA. No. 284 OF 2008

Dated this the 24th day of February, 2015

JUDGMENT

Ramachandran Nair,J.

Parents of the deceased Shapeeq are the appellants herein. He died in an accident, which happened on 26/8/2001 at 5 p.m. at Hunsur in Karnataka State. While he was riding a motor cycle, a tempo bearing registration No. KA/12-4562, which was coming in the opposite direction, hit on the motor cycle. As a result, the deceased succumbed to injuries. The deceased was conducting a grocery shop. It is stated that he was earning a monthly income of Rs.4,000/-. The learned counsel for the appellants submitted that the Tribunal has taken Rs.2,000/- as the monthly income of the deceased and has granted only Rs.2,000/- towards loss of funeral expenses and Rs.2,500/- transportation charges. Total compensation granted by the Tribunal is only Rs.1,67,000/-.

2. We have gone through the award. We have heard the learned counsel for the Insurance Company also. Since the deceased was conducting a grocery shop, we are of the view that Rs.3,500/- can be reckoned as monthly income of the deceased. Going by the judgment in **Sarla Verma v Delhi Transport Corporation {2010 (2) KLT 802 (SC)}**, it is seen that 18 would have to be adopted as multiplier in this case as he was aged only 22 years. Since the deceased was a bachelor, 50% has to be deducted for personal expenses. We are of the opinion that amount awarded towards funeral expenses, loss of estate and and transportation charges are too low. Nothing has been granted towards loss of love and affection. Accordingly we re-compute the compensation as per the table given below.:

<i>Sl.No.</i>	<i>Head of the Claim</i>	<i>Amount awarded by the Tribunal (n Rupees)</i>	<i>Amount awarded in this Court (in Rupees)</i>
1	Transportation charges	2,500/-	5,000/-
2	Funeral expenses	2,000/-	25,000/-
3	Los of estate	2,500/-	25,000/-
4	Loss of dependency	1,60,000/-	3,78,000/-
5	Pain & sufferings		10,000/-

<i>Sl.No.</i>	<i>Head of the Claim</i>	<i>Amount awarded by the Tribunal (n Rupees)</i>	<i>Amount awarded in this Court (in Rupees)</i>
6	Loss of love and affection	Nil	50,000/-
	Total		4,93,0000/- (Rupees Four Lakhs Ninety Three Thousand only)

Thus, the appellants will be entitled to a total compensation of Rs.4,93,000/- (Rupees Four Lakhs Ninety Three Thousand only).The enhanced compensation will carry interest at the rate of 9% p.a. from the date of the petition. The appeal stands allowed. Parties will bear their respective costs in this appeal.

Sd/-
T.R.RAMACHANDRAN NAIR,
Judge.
Sd/-

P.V.ASHA,
Judge.

dpk

/True copy/ PS to Judge.

