

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

MACA.No. 2240 of 2014 ()

AGAINST THE AWARD IN OPMV 1190/2010 of M.A.C.T., PERUMBAVOOR DATED
15-05-2014

APPELLANT/(PETITIONER IN OPMV NO.1190/2010):

NALINI
W/O. VELAYUDHAN, KATHAMPURATH HOUSE, KANAL PURAMBOKU
THEVAKKAL, KAKKANAD, THARAKARA
ALUVA EAST VILLAGE, NOW RESIDING AT HOUSE NO.10/290
HARIJAN COLONY, KURLAD, EDATHALA
ALUVA EAST VILLAGE, ERNAKULAM DISTRICT.

BY ADVS.SRI.REJI GEORGE
SRI.GOPAKUMAR G. (ALUVA)
SMT.ANUPAMA JOHNY

RESPONDENT/(RESPONDENT NO.3 IN OPMV 1190/2010:

M/S. THE ICICI LOMBARD, MOTOR INSURANCE, ZENITH HOUSE
KESHAVARAO KHADE MARG, MAHALAXMI, MUMBAI-400 034.

BY ADV. SRI.R.AJITH KUMAR (128/84)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 11-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

M.A.C.A.No.2240 OF 2014

Dated this the 11th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the claimant, the mother of deceased Laiju. The grievance is only regarding the inadequacy of compensation. The deceased was a cleaner in a lorry and he died in a motor vehicle accident on 8.12.2009 at 5.30 a.m. near Vallarpadom container terminal project.

2. We heard the learned counsel for the appellant and the learned counsel for the Insurance Company.

3. The deceased was a bachelor at the time of death. His age at the time of the accident was 26. Therefore, the correct multiplier of 17 was adopted by the Tribunal. The monthly income has been notionally fixed as ₹3,500/-. According to the learned counsel for the appellant, the same is totally inadequate.

4. The learned counsel for the Insurance Company submits

that adequate compensation has been granted.

5. We are of the view that since the deceased was working as a cleaner, even though ₹8,000/- was claimed as the monthly income, we will be justified in adopting ₹6,000/-, which will be a reasonable and fair amount. As regards loss of estate, the Tribunal has granted only ₹2,500/-.

6. We therefore refix the compensation in the following manner :

<i>Head of claim</i>	<i>Amount Awarded in rupees</i>
Funeral expenses	25000
Transport to hospital	3000
Loss of dependency	612000 (6000 x 12 x 17 x ½)
Pain and suffering	10000
Loss of love and affection	100000
Loss of estate	35000
Total	785000 (Rupees seven lakhs eighty five thousand only)

7. The enhanced compensation will carry interest @ 9% per annum from the date of petition. We direct the Insurance Company to

deposit the amount less the amount already deposited before the Tribunal within a period of three months. On deposit of the enhanced compensation, we permit the appellant to withdraw the amount also. There will be a direction to the Tribunal to recover the court fee, if any payable by the appellant from the amount deposited by the Insurance Company.

The appeal is accordingly allowed. The parties will suffer their costs in the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH, JUDGE

SV.