

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 27TH DAY OF MAY 2015/6TH JYAISHTA, 1937

MACA.No. 2064 of 2009 ()

AGAINST THE AWARD IN OPMV 1256/2007 of MACT PALA DATED 09-02-2009
APPELLANT(S)/3RD RESPONDENT:

THE ORIENTAL INSURANCE CO. LTD.,
KOCHI, REPRESENTED BY ITS MANAGER, REGIONAL OFFICE
ERNAKULAM NORTH, KOCHI-18.

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT(S)/CLAIMANTS:

1. RAJAMMA RAGHAVAN,
THOTTAKATHU HOUSE, CHENNADU P.O.

2. REMANI RAVIKRISHNAN,
KUNNATHU HOUSE, THODUPUZHA P.O.

3. MOHANAN P.K.,
PERUNCHERIL HOUSE, POONJAR.

4. GOPI P.K.,
PERUNCHERIL HOUSE, POONJAR.

5. MURALI KRISHNAN,
PERUNCHERIL HOUSE, POONJAR.

6. OMANAKUTTY, W/O. OMANAKUTTAN,
THACHAPPALLIL HOUSE, ARAKKULAM.

7. SAJI P.K.,
PERUNCHERIL, POONJAR P.O.

R1 TO 7 BY ADV. SRI.BIMAL K.NATH

R1 TO 7 BY ADV. SRI.SREEVALSAN.V

R1 TO 7 BY ADV. SMT.M.K.SHIMI

R1 TO 7 BY ADV. SRI.D.SREENATH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
27-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.A.No.2064 of 2009

Dated this the 27th day of May, 2015

JUDGMENT

Jyothindranath, J.

This appeal is preferred by the insurance company challenging the award passed in O.P.(MV) No.1256/2007 on the file of the Motor Accidents Claims Tribunal, Pala.

2. When the appeal came up for hearing, learned counsel for the appellant submitted before us that the question is whether the Tribunal committed any illegality in awarding compensation to the brothers and sisters of the deceased, assessing the loss of estate. The point is covered by the dictum laid down by the Honourable Apex Court in **Donal Louis Machado and others v. Ravindra and others** (1999 ACJ 1400).

3. After considering the facts of the case and other aspects involved, we feel that there is nothing to interfere with the award. It is also to be noted that while compensation is awarded, the Tribunal even

reduced 2/3rd portion from the assessed income of deceased for arriving at the compensation for loss of estate.

Thus, there is no merit in this appeal. Hence, the same is dismissed. The parties will suffer their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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