

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

MACA.No. 2200 of 2009 ()

AGAINST THE AWARD IN OPMV 931/2005 of M.A.C.T. TIRUR
DATED 21-01-2009

APPELLANT:3RD RESPONDENT

UNITED INDIA INSURANCE COMPANY LTD.
MALAPPURAM NOW REPRESENTED BY ITS DEPUTY MANAGER
REGIONAL OFFICE, `SHARANYA', HOSPITAL ROAD,
KOCHI-11.

BY ADVS.SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW

RESPONDENT(S):PETITIONERS AND 4TH RESPONDENT

1. SHAHIDA, W/O.KAMMADKUTTY
MANIPARAMBATH, MANIPARAMBATH HOUSE, VENNIYOOR P.O.
VIA VALAKKULAM, MALAPPURAM DISTRICT.

2. RIFANA SHERIN (MINOR)
D/O.KAMMADKUTTY MANIPARAMBATH, DO. DO.

3. KAMMADKUTTY MANIPARAMBATH,
S/O.MAMMTHU, DO. DO.

R,R1-R2 BY ADV. SRI.K.P.SUDHEER

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 30-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

M.A.C.A No.2200 of 2009

Dated this the 30th day of March, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the Insurance Company aggrieved by the award in O.P(MV) No.931/05. We heard the learned Senior Counsel for the appellant - Insurance Company and the learned counsel for the claimants.

2. The accident occurred on 08.06.05 at about 9.45 a.m. The deceased, aged 6, the son of the 1st respondent, was walking through margin of the road between Edarikode and Kakkad and he was hit by an autorickshaw having Reg.No.KL-10P-1885. He sustained major injuries and succumbed to them.

3. An amount of Rs.1,91,500/- has been granted by the Tribunal as the total compensation.

4. The Insurance Company has mainly raised a contention that the multiplier adopted is 18, which may not

be justified. We have gone through the details of the award which will show that the Tribunal has granted Rs.1,000/- towards transport to hospital, Rs.500/- towards damage to clothing and articles, Rs.5,000/- towards funeral expenses and Rs.5,000/- towards pain and suffering. As far as the compensation for dependency is concerned, an amount of Rs.1,80,000/- has been granted.

5. We are of the view that, in the light of the fact that the quantum fixed is only just and reasonable, it does not require any interference at the hands of this Court. Besides that, towards certain heads like 'loss of love and affection', no compensation has been granted.

Accordingly we dismiss this appeal.

Sd/-

T.R.RAMACHANDRAN NAIR
Judge

Sd/-

P.VASHA
Judge

rtr/

/true copy/

P.S to Judge