

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 25TH DAY OF FEBRUARY 2015/6TH PHALGUNA, 1936

MACA.No. 2380 of 2009 ()

AGAINST THE AWARD IN OPMV 762/2004 of MACT ALAPPUZHA DATED 18-08-2008
APPELLANT(S):THIRD RESPONDENT

THE ORIENTAL INSURANCE COMPANY
LIMITED TIRUCHY NOW REPRESENTED BY IOTS ASSISTATN
MANAGER, REGIONAL OFFICE, METRO PLACE
KOCHI-18.

BY ADV. SRI.MATHEWS JACOB (SR.)

RESPONDENT(S):PETITIONERS

1. AMBILY, W/O. SOMAN PILLAI,
SUMANGALA WARD, NO.3, PUNNAPRA
NORTH PANCHAYATH, ALAPPUZHA.

2. K. JANARDHANAN PILLAI,, DO...DO....
(DIED)

3. D. SUMATHI AMMA, W/O.K.JANARDHANAN
PILLAI DO.....DO.....

4. ATHUL S, (MINOR) S/O. SOMAN PILLAI,

5. ATHIRA M. MINIR D/O. SOMAN PILLAI
DO.....DO.....

Addl.6. MOHANAN PILLAI
BALARAVI MANDIRAM, KALAVOOR PO, ALAPPUZHA - 688 522.

Addl.7. RADHAKRISHNAN
SUMANGALY, SANADANAPURAM PO, KALARCODE
ALAPPUZHAADDL.

(ADDL. R6 AND R7 IMPPLEADED AS LEGAL HEIRS OF THE DECEASED 2ND
RESPONDENT VIDE ORDER DATED 29.10.2014 IN IA 3149/14.

R1,R 3,R 4 & 5,R6,R7 BY ADV. SRI.C.A.CHACKO

R1,R 3,R 4 & 5 BY ADV. R.SURAJ KUMAR

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
25-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.A.No.2380 of 2009

Dated this the 25th day of February, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the insurance company, aggrieved by the total compensation granted. An amount of Rs.11,10,000/- has been granted by the Tribunal. The respondents are the wife and children of deceased Soman Pillai who died on 22.4.2004 in an accident. He was riding his motor cycle having Reg. No.4/G-5292 through Kollam - Alappuzha NH 47 and when he reached in front of Punnapra Village Office, he was hit down by a bus having Reg. No.TN-45/C-7374. He was taken to Medical College Hospital, Alappuzha immediately, but he succumbed to the injuries on the way to the hospital.

2. The deceased was employed as a Police Constable in the State Police service. The monthly income claimed as salary is Rs.8,500/- as per Ext.A5 salary certificate. The Tribunal, after considering various

aspects in the light of the documentary evidence and oral evidence of P.W.1, fixed the salary for the purpose of fixing dependency compensation, at Rs.9,000/-. The prospects of future increase was also taken into consideration. One third was deducted for personal expenses and accordingly after adopting the multiplier of 15, the dependency compensation was fixed at Rs.10,80,000/-. It is submitted by the learned Senior Counsel for the appellant that the multiplier, going by the decision of the Apex Court in **Sarla Verma v. Delhi Transport Corporation** (2010 (2) KLT 802 - Sc), is 14.

3. We heard learned counsel for the respondents also.

4. Going by the award, we find that the amounts awarded towards loss of consortium and loss of love and affection are at the rate of Rs.10,000/- each. Therefore, even though Rs.9,000/- was taken as monthly income and the multiplier has also been taken as 15, we do

not find any reason to interfere with the award passed by the Tribunal.

Accordingly, the appeal is dismissed. The parties shall bear their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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