

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 22ND DAY OF JANUARY 2015/2ND MAGHA, 1936

MACA.No. 2749 of 2014 ()

AGAINST THE AWARD IN OPMV 198/2013 of MACT, ERNAKULAM DATED
23-05-2014

APPELLANTS/PETITIONERS:

1. RAVEENDRAN, AGED 56 YEARS
S/O RAMAN, THEKKECHAKANATTU HOUSE, EZHUPUNNA P.O
EZHUPUNNA VILLAGE, CHERTHALA TALUK, ALAPPUZHA
2. SUSEELA RAVEENDRAN, AGED 47 YEARS
W/O RAVEENDRAN, THEKKECHAKANATTU HOUSE, EZHUPUNNA P.O
EZHUPUNNA VILLAGE, CHERTHALA TALUK, ALAPPUZHA
3. RAJITHA, T.R,
D/O RAVEENDRAN, THEKKECHAKANATTU HOUSE, EZHUPUNNA P.O
EZHUPUNNA VILLAGE, CHERTHALA TALUK, ALAPPUZHA

BY ADVS.SRI.MATHEWS K.PHILIP
SMT.T.MANASY

RESPONDENTS/RESPONDENTS:

1. SREEJITH D.R..
S/O RADHAKRISHNAN DEEPTHI HOUSE, WARD 5 AROOR P.O
ALAPPUZHA DISTRICT 688534
 2. PONNAPPAN V.M
MANIYANGANATTU HOUSE, EZHUPUNNA P.O, CHERTHALA
ALAPPUZHA DISTRICT 688548
 3. SHRIRAM GENERAL INSURANCE COMPANY LIMITED,
AZAD TOWER, AMMANKOVIL CROSS ROAD, KOCHI
- R3 BY ADV. SRI.MATHEWS JACOB (SR.)
R3 BY ADV. SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 22-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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

M.A.C.A.No.2749 OF 2014

Dated this the 22nd day of January, 2015

JUDGMENT

Asha J.

The parents and the elder sister of deceased Rajani have approached this Court challenging the award in O.P.(MV)No.198/2013 of the Motor Accidents Claims Tribunal, Ernakulam complaining on the inadequacy of the compensation awarded by the Tribunal. On 16/1/2012 while the deceased was walking along Thuravoor-Kumbalam road, she was hit by a stage carriage bus and she sustained very serious injuries. She succumbed to the injuries on the same day. She was a 9th standard student aged 13. The Tribunal awarded a sum of ₹7,16,000/- as against the claim of ₹11,30,000/-.

2. We heard the learned counsel appearing on either side.

3. The learned counsel for the appellants pointed out that no amount has been awarded by the Tribunal under the head of short expectation of life and the amount awarded under the head of loss of

love and affection is very low and that the appellants should have been compensated adequately on all the heads of compensation.

4. On the other hand, the learned counsel for the Insurance Company pointed out that the award is just and reasonable and hence no enhancement is required in the circumstances. It is pointed out that the deceased was a minor studying in 9th standard and the Tribunal reckoned the annual contribution as ₹40,000/-. Therefore, under the head of loss of dependency itself, a sum of ₹ 6 lakhs was awarded.

5. We find that the Tribunal has awarded compensation in a just and reasonable manner. Even though the deceased was a student studying in 9th standard and was aged 13, the notional income taken is ₹ 40,000/- per annum. Adopting the multiplier of 15, a sum of ₹ 6 lakhs has been awarded towards loss of dependency. The amounts awarded under the heads of expenses for transportation, funeral expenses, pain and suffering, loss of love and affection are also reasonable and fair. In the circumstances of the case, we do not find it necessary to effect any modification to the amounts. The Tribunal has also granted interest @ 9% per annum. Therefore, under this ground

also, no modification is found necessary. The Tribunal has awarded compensation having due regard to the inflation, cost of living etc. at the relevant time.

In the above circumstances, we do not find any reason to interfere with the award. Accordingly, the appeal is dismissed. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE

P.V.ASHA, JUDGE

SV.

