

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 18TH DAY OF JUNE 2015/28TH JYAISHTA, 1937

MACA.No. 2925 of 2009 ()

AGAINST THE AWARD IN OPMV 472/2004 of MACT,KALPETTA DATED 26-02-2009
APPELLANT(S)/3RD RESPONDENT:

THE BRANCH MANAGER,
NATIONAL INSURANCE CO. LTD., KALPANA BUILDING
KALPETTA, WAYANAD DISTRICT.

BY ADV. SMT.SARAH SALVY

RESPONDENT(S)/PETITIONERS:

1. POULOSE K.R.,
S/O.PATHROSE, AGED 58 YEARS, KOCHIYAMKUDIYIL (H)
(FATHER OF JOSE P.K., DECEASED) NAMBIARKUNNU POST
CHEERAL(VIA), S.BATHERY TALUK, WAYANAD DISTRICT.

2. MARY, W/O.POULOSE,
AGED 50 YEARS, (MOTHER OF JOSE P.K. DECEASED)
KOCHIYAMKUDIYIL (H), NAMBIARKUNNU POST, CHEERAL.

3. PATHROSE, S/O.POULOSE,
AGED 27 YEARS, KOCHIYAMKUDIYIL (H), NAMBIARKUNNU POST
CHEERAL.

4. THOMAS, S/O.POULOSE,
AGED 23 YEARS, KOCHIYAMKUDIYIL (H), NAMBIARKUNNU POST
CHEERAL.

5. EALIYAMMA, D/O.POULOSE,
AGED 21 YEARS, NAMBIARKUNNU POST, CHEERAL(VIA)
S.BATHERY TALUK, WAYANAD DISTRICT.

6. ASHRAF, S/O.HAMZA,
AGED 29 YEARS, KALLATHATHIYIL HOUSE, VATTATHUVAYAL
MEENANGADI, WAYANAD-673 591.

7. A.M.ABDUL HAMEED,
NO.277, M/S.SOUBHAGYA TRAVELS, DEBUR
NANJANGODE TALUK, MYSORE DISTRICT.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
18-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.A.No.2925 of 2009

Dated this the 18th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal is filed by the insurance company aggrieved by the award passed in O.P.(MV) No.472/2004 on the file of the Motor Accidents Claims Tribunal, Kalpetta. The claimants filed the application seeking compensation consequent to the death of one P.K. Jose on 15.12.2003. The offending vehicle is a lorry which knocked him down while he was walking through the road. We are not concerned with the details of the accident and we straightaway proceed to consider the grievance regarding the quantum of compensation.

2. Paragraph 8 of the award will show that the deceased was a student aged 18 years and the Tribunal fixed the notional income at Rs.1,250/- per month and after deducting 1/3rd towards personal expenses, the contribution has been worked out to Rs.10,000/- per

annum and the multiplier adopted is 16. The total compensation thus fixed for dependency is Rs.1,60,000/-. The other items awarded are towards transport to hospital – Rs.1,000/-, funeral expenses – Rs.3,000/- and loss of love and affection – Rs.40,000/-.

3. Even though learned counsel for the appellant submitted that the amount awarded towards dependency compensation is on a higher side, we cannot agree. The deceased was aged 18 years and even after fixing the monthly income at Rs.1,250/-, again one third has been deducted and the multiplier adopted is also only 16 in spite of 18 which could be adopted in the light of the principles stated in **Sarla Verma v. Delhi Transport Corporation** (2010 (2) KLT 802 – SC).

In that view of the matter, we find no reason to interfere with the award and accordingly the appeal is dismissed. The parties will suffer their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(K.P. JYOTHINDRANATH,, JUDGE.)

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