

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 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

RP.No. 332 of 2015 () IN MACA.2247/2008

AGAINST THE JUDGMENT IN MACA 2247/2008 of HIGH COURT OF KERALA
DATED 02/02/2015

REVIEW PETITIONER:3RD RESPONDENT

THE NEW INDIA ASSURANCE CO.LTD
REGIONAL OFFICE,
KANDANKULATHY TOWERS,
M.G.ROAD, ERNAKULAM
REPRESENTED BY ITS AUTHORISED OFFICER.

BY ADV. SRI.VPK.PANICKER

RESPONDENT(S):APPELLANTS & RESPONDENTS 1 & 2

1. K.C.BABU, S/O.CHANDU,
AMBALAKATTU (H),
NEECHIMA KARA,
CHOODY EAST VILLAGE, ERNAKULAM-682 308.
2. B.SHIVAPRIYA,
W/O.K.C.BABU, AMBALAKATTU HOUSE,
NEECHIMA KARA, CHOONDY EAST VILLAGE,
ERNAKULAM - 682 308.
3. K.B.SHEEJA, D/O.K.C.BABU,
AMBALAKATTU HOUSE,
NEECHIMA KARA, CHOONDY EAST VILLAGE,
ERNAKULAM - 682 308.
4. K.B.VINOD KUMAR, S/O.K.C.BABU,
AMBALAKATTU HOUSE,
NEECHIMA KARA, CHOONDY EAST VILLAGE,
ERNAKULAM - 682 308.
5. **K.B.SHAM KUMAR,**
S/O.K.C.BABU,
AMBALAKATTU HOUSE,
NEECHIMA KARA,
CHOONDY EAST VILLAGE,
ERNAKULAM - 682 308.
6. **MATHEW K.J. ,**
S/O.JOSEPH, KEECHERIL HOUSE,
KADAPLAMATTOM - 686 571.

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: 2 :

7. DENNY JOSEPH,
KOLADY (HOUSE) ,
CHERPUNKAL,
CHERPUNKAL P.O-686 584.

R BY SRI.GEORGE MATHEW

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 01-04-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

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

**R.P.No.332 of 2015 in
M.A.C.A No.2247 of 2008**

Dated this the 1st day of April, 2015

O R D E R

Asha, J.

This Review Petition is filed since a mistake has been occurred in calculating the amount of compensation admissible to the claimants.

2. We heard the learned counsel for the petitioner as well as the respondent. We find that the deduction envisaged under the IIInd schedule of the Motor Vehicles Act given in the Note has not been incorporated. Therefore, the appellants will be entitled to a sum of Rs.4,12,500/- alone after deducting 1/3rd of the amount found due in accordance with the table. Accordingly the award passed by the Tribunal as well as the judgment dated 2.2.15 shall stand modified and the appellants will be entitled to a sum of Rs.4,12,500/- (Rupees Four lakhs twelve thousand and five hundred only) as compensation along with interest @ 9% per annum on the enhancement.

Review Petition is disposed of as above. This order shall be appended along with the judgment in M.A.C.A No.2247/2008 dated 02/02/2015.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge