

Clara vs Mr.Mohan Lal(Driver)

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Court : Kerala

Decided On : Jul-30-2019

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : MACA/3381/2017

Appellant : CLARA

Respondent : Mr.Mohan Lal(Driver)

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
TUESDAY, THE 30TH DAY OF JULY 2019 / 8TH SRAVANA, 1941
AGAINST THE AWARD IN OPMV 6/2014 of MOTOR ACCIDENT
CLAIMS TRIBUNAL PALA DATED 30-10-2015
APPELLANTS/PETITIONERS:

1 CLARA W/O. LATE VIBY GEORGEKACHAPPALLY HOUSE,
MANNACKANADU P.O,MARANGATTUPALLY
PANCHAYATH,,KOTTAYAM DT. 686 633 2 JIYANA MINOR D/O. LATE
VIBY GEORGE,REPRESENTED BY NEXT FRIEND
CLARA,KACHAPPALLY HOUSE,MANNACKANADU P.O,

MARANGATTUPALLY PANCHAYATH,KOTTAYAM DT 686 633DATE
OF BIRTH 1-06-08 3 JIFANAMINOR0 D/O. LATE VIBY
GEORGE,REPRESENTED BY NEXT FRIEND CLARA,KACHAPPALLY
HOUSE,MANNACKANADU P.O, MARANGATTUPALLY
PANCHAYATH,KOTTAYAM DT 686 633DATE OF BIRTH 14-4-12 4
GEORGE S/O.VARGHESE,KACHAPPALLY
HOUSE,'MANNACKANADU P.O,MARANGATTUPALLY
PANCHAYATHKOTTAYAM DT 686 633 5 ANNAMMA
W/O.GEORGE,KACHAPPALLY HOUSE, MANNACKANADU
P.O,MARANGATTUPALLY PANCHAYATH,KOTTAYAM DT 686 633 BY
ADVS. SRI.CYRIAC KURIAN SRI.JOJO JOSEPH

RESPONDENT/S:

1 MR.MOHAN LAL(DRIVER) S/O.VASU N.K, KALATHOORVEETIL
HOUSE,PAKALMATTAM, KURAVILANGADU,KOTTAYAM DT 686 633
2 MR. SUDHEEROWNER S/O.MADHAVAN, MALIPARAMBIL
HOUSE,SREEKANDAMANGALAM P.O, ATHIRAMPUZHA 686 562 3
THE SHRIRAM GENERAL INSURANCE CO.LTDREPRESENTED BY
ITS MANAGER E-8,EPIP,RLLCO,SITAPURA,JAIPUR, RAJASTHAN
302 022POLICY NO 10003/31/14/068686,VALICITY: 29-04-13 TO 28-4-
14 BY ADVS. SRI.MATHEWS JACOB (SR.)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 30.07.2019, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING: ..3..

JUDGMENT

This is an appeal preferred by the claimants in a proceedings for compensation before the Motor Accidents Claims Tribunal. As against the claim of Rs.20,00,000/-, the Tribunal has granted a sum of Rs.15,35,400/-. The claimants are aggrieved by the quantum of compensation granted by the Tribunal.

2. When the matter was taken up on 24.07.2019, the

learned counsel on either side agreed that they would make an endeavour to settle the dispute relating to the quantum of compensation after consulting with their parties. The matter was, accordingly, adjourned for settlement and when the matter has come up today, the learned counsel for the insurer offered to the

claimants Rs.1,85,850/- towards compensation for loss of dependency and Rs.40,000/- towards compensation for love and affection, in addition to the compensation already granted by the Tribunal. The learned counsel for the insurer has also offered to the claimants a consolidated sum of Rs.33,500/-, towards interest for the additional compensation offered. The total compensation with interest would, thus, come to Rs.2,59,350/-. The learned counsel for

..4.. the insurer has offered in the place of Rs.2,59,350/-, a sum of

Rs.2,65,000/-. The learned counsel for the claimants, after obtaining instruction from the parties, agreed to accept the said amount towards full and final settlement of the claim for enhanced compensation made in the appeal. As required by the Court, a joint statement has also been submitted by the counsel on either side stating that the matter has been settled for a consolidated amount as indicated above.

3. On an evaluation of the facts and circumstances of

the case and the materials on record, I am of the view that the additional compensation as also the interest offered by the insurer, as accepted by the claimants represent the just additional compensation to be granted to the claimants. The joint statement submitted by the counsel on either side will form part of the records in this matter.

4. In the circumstances, the impugned award is modified, granting to the claimants a sum of Rs.2,65,000/- (Rupees two lakhs sixty five thousand only) by way of additional compensation. The insurer shall deposit the additional compensation within 60 days from the date of receipt of a copy of ..5.. the judgment, failing which the said amount would carry interest at the rate of 12% from the date of the judgment. Other directions contained in the award passed by the Tribunal will

stand. Sd/- P.B.SURESH KUMAR, JUDGE kkj

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