
(2014) 02 KL CK 0190
In the High Court Of Kerala
Case No : M.A.C.A. No. 219 of 2014

National Insurance Co. Ltd.	Vs	APPELLANT
Reetha K.B.		RESPONDENT

Date of Decision : 03-02-2014

Acts Referred:

Citation : (2014) 02 KL CK 0190

Hon'ble Judges : Harun-Al-Rashid, J; Alexander Thomas, J

Bench : Division Bench

Advocate : E.M. Joseph, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Harun-Al-Rashid, J.—National Insurance Co. Ltd. is the appellant. The appeal is directed against the award in O.P.(MV).No.134/2009 on the file of the Motor Accidents Claims Tribunal, Ernakulam. The Tribunal passed an award allowing the claimants and the additional 4th respondent to recover a sum of Rs. 4,14,000/- together with interest at the rate of 6% per annum from the date of petition till realisation with proportionate costs from respondents 1 to 3, who are jointly and severally liable to pay compensation. The parties are hereinafter referred to as the petitioner and respondents as arrayed in the original petition.

2. Claimants are mother and brother of the deceased Jibin, who died in a road traffic accident. He was a cleaner in a bus. He was aged 18 years at the time of the accident. On 6/3/2008 at about 10-40 a.m. while Jibin was doing his duty as a cleaner in a bus driven by the 2nd respondent, when the bus reached near Semitherimukku, the 2nd respondent suddenly applied break, as a result Jibin was thrown out and sustained grievous injuries. He was taken to the Medical Trust Hospital, Ernakulam and he died on the next day at 2 a.m. The compensation for future loss of contributions from the deceased (Loss of dependency) the Tribunal awarded Rs. 3,24,000/-. The Tribunal adopted the age of the deceased for the purpose of applying the multiplier. The Apex Court in

Reshma Kumari and Others Vs. Madan Mohan and Another, approved the table (Column 4) in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, for the selection of multiplier in the claim applications made u/s 166 in the cases of death. The Apex Court followed Column 4 of the table in Sarla Verma's case for the selection of multiplier and held that in all other cases of death where application has been made u/s 166 the multiplier as indicated in Column (4) of the table in Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another, should be followed.

3. Learned counsel for the appellant contended that the choice of multiplier would depend upon the age of the claimant and not that of the deceased. In view of the decision in Sarla Verma's case the contention of the learned counsel is not acceptable.

The appeal is devoid of any merit and is accordingly dismissed.