

(2021) 03 KL CK 0040
In the High Court Of Kerala
Case No : Maca No. 1794 Of 2013

Sobana Kumari And Ors

APPELLANT

Vs

Managing Director

RESPONDENT

Date of Decision : 03-03-2021

Acts Referred:

Motor Vehicles Act, 1988 — Section 168

Citation : (2021) 03 KL CK 0040

Hon'ble Judges : C.S. Dias, J

Bench : Single Bench

Advocate : K.N. Radhakrishnan, P.C. Chacko

Final Decision : Allowed

Judgement

SI No,Head of claim,Amount claimed (in rupees),"Amount awarded by the Tribunal(in rupees)",

- 1.,Loss of Dependency,"8,15,000/-","4,80,000/-",
- 2.,Transport to hospital,"1,000/-","1,000/-",
- 3.,Damage to clothings,"1,000/-","1,000/-",
- 4.,Funeral expense,,,"10,000/-",
- 5.,Medical expenses,"33,000/-","14,370/-",
- 6.,Bystanders expenses,,200/-,
- 7.,,"Pain and suffering endured
by deceased","25,000/-","10,000/-",
- 8.,,"Compensation for loss of
estate","50,000/-","5,000/-",

9.,Loss of love and affection,"50,000/-","60,000/-",
 10.,Loss of consortium,"25,000/-","10,000/-",
 ,Total,"10,00,000/ - limited to
 7,00,000/-","5,91,570/-",
 SI No,Head of claim,Amount claimed (in rupees),"Amount awarded by the
 Tribunal(in rupees)","Amounts modified and re
 calculated by this Court
 (in rupees)

1.,Loss of Dependency,"8,15,000/-","4,80,000/-","11,34,000/-
 2.,Transport to hospital,"1,000/-","1,000/-","1,000/-
 3.,Damage to clothings,"1,000/-","1,000/-","1,000/-
 4.,Funeral expense,,,"10,000/-","15,000/-
 5.,Medical expenses,"33,000/-","14,370/-","14,370/-
 6.,Bystanders expenses,,200/-,"2,000/-
 7.,,"Pain and suffering endured
 by deceased","25,000/-","10,000/-","20,000/-
 8.,,"Compensation for loss of
 estate","50,000/-","5,000/-","15,000/-
 9.,Loss of love and affection,"50,000/-","60,000/-","1,60,000/-
 10.,Loss of consortium,"25,000/-","10,000/-",
 ,Total,"10,00,000/ - limited to
 7,00,000/-","5,91,570/-","13,62,370/-

law laid down by the Hon'ble Supreme Court in Nagappa vs. Gurudayal Singh
 [2003 (1) KLT 115(SC)].,,,,,

In the result, the appeal is allowed. The appellants are entitled for an enhanced
 compensation of Rs.7,70,800/-(Rupees Seven Lakh Seventy Thousand",,,,

Eight Hundred only) along with interest @ of 7.5% p.a on the enhanced
 compensation from the date of petition till the date of realisation with,,,,

proportionate costs. The respondent shall deposit the additional compensation
 granted in this appeal, before the Tribunal with interest and proportionate",,,,

costs, within a period of two months from the date of receipt of a certified copy

of the judgment, after deducting the liability of the",,,,

appellants/petitioners towards balance court fee and legal benefit fund on the enhanced compensation, which shall be deposited before the Tribunal.",,,,

The Tribunal shall disburse the additional compensation to the appellants/petitioners, in accordance with law.",,,,