

(2012) 08 KL CK 0040
In the High Court Of Kerala
Case No : MACA. NO. 130 of 2006 (B)

State Express, Transport Corporation Tamilnadu Ltd.	APPELLANT
Vs	
Sarala Devi and Others	RESPONDENT

Date of Decision : 17-08-2012

Acts Referred:

Citation : (2012) 08 KL CK 0040

Hon'ble Judges : Pius C. Kuriakose, J;A.V. Ramakrishna Pillai, J

Bench : Division Bench

Advocate : Subhash Syriac, for the Appellant; Pirappancode V.S. Sudhir for R1, R2 and Sri. P. Muraleedharan, R5, for the Respondent

Final Decision : Dismissed

Judgement

Pius C. Kuriakose, J.—One of the State Transport Corporations of Tamilnadu is the appellant. One of their buses collided with a lorry and the Tribunal found that the accident was caused by the negligence on the part of the driver of the bus. The grievance which the appellant voices through this appeal is that the compensation awarded by the Tribunal to the respondents who were the legal heirs of Sri. Joe, a young man aged 20 being his parents is excessive. The respondent claimed a total amount of Rs. 7 lakhs under various heads as compensation and the learned Tribunal awarded Rs. 2,22,000/-. According to the appellant Corporation what is awarded by the Tribunal is excessive. We have heard the submissions of Sri. Subhash Syriac the learned counsel for the appellant and the learned counsel for the respondents.

2. Even though Sri. Subhash Syriac argued strenuously and persuasively on the basis of the grounds raised in the memorandum of appeal that there is excessiveness in the compensation awarded by the Tribunal, we do not find any such excessiveness in the total compensation awarded by the Tribunal to the respondents. True, towards loss of estate the Tribunal awarded Rs. 15,000/- while the amount which could have been properly awarded was only Rs. 5,000/-. It is also true that towards transportation and hospitalisation there is

excessiveness. But according to us, there is considerable inadequacy in the dependency compensation awarded by the Tribunal as well as in the compensation awarded towards loss of love and affection for the death of the deceased who was the only son of the parents. We also find that the Tribunal has committed a mistake of deducting only one third of the income of the deceased towards personal expenses of the deceased. Even then as we find gross inadequacy in the multiplicand adopted by the Tribunal for determining the dependency compensation, we are of the view that when proper multiplicand is adopted and dependency compensation is re-calculated the respondents will become eligible for the award of a much higher amount than what is presently awarded towards dependency compensation. Thus on an over all view of the compensation awarded by the Tribunal under the various heads which could be awarded properly, we are of the view that the total compensation awarded is reasonable. We do not find warrant for interference. The appeal will stand dismissed.