

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.SURENDRA MOHAN

TUESDAY, THE 31ST MARCH 2009 / 10TH CHAITHRA 1931

MACA.No. 1170 of 2007()

OPMV.933/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, OTTAPALAM

APPELLANT(S): /2ND RESPONDENT

UNITED INDIA INSURANCE COMPANY LTD,
REP.BY ITS ASST.MANAGER,
REGIONAL OFFICE,SHARANYA,HOSPITAL ROAD,
KOCHI-11.

BY ADV. MR.P.V.JYOTHI PRASAD

RESPONDENT(S): PETITIONERS 1 TO 3 & IST RESPONDENT RESPECTIVELY

1. A.SATHYAVATHI,W/O.LATE SANTHAKUMARAN P.V
AGED ABOUT 51 YEARS,
C/O.KARUNAKARAN, DEPUTY GENERAL MANAGER,
PDC BANK LTD.,JAYAVIHAR,THOTTAKKARA-POST,
CHERPLASSERY ROAD, OTTAPALAM-2
2. P.S.PRAKASAN,S/O.THE LATE SANTHAKUMARAN,
AGED ABOUT 31 YEARS,
DO...DO.
3. P.S.PRABHAKRARAN,S/O.THE LATE
SANTHAKUMARAN, AGE ABOUT 29 YEARS,
DO...DO..
4. AJEESH,S/O.LATE CHANERAN,
AGED ABOUT 26 YEARS,
RESIDING AT KAVUMKULAM THODU VEEDU,
VADAVANNUR POST, CHITTUR.

ADV. MR.JACOB SEBASTIAN FOR R1 TO 3

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 31/03/2009, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR & K.SURENDRA MOHAN, JJ.

M.A.C.A. NO: 1170 OF 2007

Dated this the 31st March, 2009.

JUDGMENT

RAMACHANDRAN NAIR, J.

Even though appeal is filed for reduction of compensation after hearing counsel for the Insurance Company and on going through the award we do not think there is any scope for interference because the deceased was aged 49 was a qualified printing machinery technician who had taken VRS. The monthly income is taken only at Rs.2,500/- which to our mind is not excessive considering the experience of the deceased. Moreover, total compensation awarded is only Rs.3,11,298/-. Further contention raised is on contributory negligence of the deceased for which we do not find any evidence. The mere fact that collision is a head on collision does not mean that both are equally negligent. FIR is seen taken against the driver of the offending vehicle and

insurance company has not adduced any evidence to the contrary.
We therefore dismiss the appeal.

C.N. RAMACHANDRAN NAIR
Judge

K. SURENDRA MOHAN
Judge

jj

K.K.DENESAN & V. RAMKUMAR, JJ.

M.F.A.NO:

JUDGMENT

Dated: