

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

&

THE HONOURABLE MR. JUSTICE P.Q.BARKATH ALI

TUESDAY, THE 31ST MAY 2011 / 10TH JYAISHTA 1933

RP.No. 357 of 2011()

AGAINST THE JUDGEMENT IN MACA.249/2010 Dated 12/01/2011

REVIEW PETITIONER(S): PETITIONER/3RD RESPONDENT

NATIONAL INSURANCE COMPANY LIMITED,
NOW REPRESENTED BY ITS MANAGER, REGIONAL OFFICE,
OMANA BUILDINGS, M.G. ROAD, KOCHI.

BY ADV. SRI. MATHEWS JACOB, SENIOR ADVOCATE
SRI.P.JACOB MATHEW

RESPONDENT(S): APPELLANTS & RESPONDENTS 1 AND 2

1. RAJESWARIAMMA, AGED 46 YEARS,
W/O. THULASEEDHARAN PILLAI, KATTAZHAKATHU HOUSE,
(THULASI VILASAM), KOONAYIL PARAVOOR DESOM,
PARAVOOR-MEENAD TALUK, NEDUNGOLAM.P.O,
KOLLAM DISTRICT.
2. SMITHA, AGED 28 YEARS, D/O. LATE
THULASEEDHARAN PILLAI, KATTAZHAKATHU HOUSE,
(THULASI VILASAM), KOONAYIL PARAVOOR DESOM,
PARAVOOR-MEENAD TALUK, NEDUNGOLAM.P.O,
KOLLAM DISTRICT.
3. RAJITHA, AGED 26 YEARS, D/O. LATE
THULASEEDHARAN PILLAI, KATTAZHAKATHU HOUSE,
(THULASI VILASAM), KOONAYIL PARAVOOR DESOM, PARAVOOR
-MEENAD TALUK NEDUNGOLAM.P.O, KOLLAM DISTRICT.
4. RENJITH KUMAR, AGED 23 YEARS,
S/O. LATE THULASEEDHARAN PILLAI, KATTAZHAKATHU
(THULASI VILASAM), KOONAYIL PARAVOOR DESOM,
PARAVOOR -MEENAD TALUK NEDUNGOLAM.P.O,
KOLLAM DISTRICT.
5. V.K.SUBASH, VETTIYATTIL HOUSE, MURIKKINGAL
KODALY.P.O, THRISSUR DISTRICT.
6. SHAJU.K.T, S/O. THOMAS, KAITHARAN HOUSE,
KODALY.P.O, THRISSUR.

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION
ON 31/05/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

A.K.BASHEER & P.Q.BARKATH ALI, JJ.

R.P.No.357 OF 2011 IN
M.A.C.A.No. 249 OF 2010

Dated this the 31st day of May, 2011

ORDER

Barkath Ali, J.

This is a petition to review the judgment of this court on the ground that the multiplier adopted for assessing compensation for loss of dependency is excessive.

2. By judgment dated January 12, 2011, this court awarded a compensation of Rs. 5,28,000/- for loss of dependency as against Rs.2,64,000/- awarded by the Tribunal. The monthly income of the deceased was fixed at Rs.6,000/- and after deducting 1/3 for his personal expenses, the balance amount of Rs. 4,000/- was taken as his monthly contribution to his family and adopted a multiplier of 11.

3. Heard the counsel for the review petitioner/Insurance Company and the counsel for the respondents/claimants.

4. Counsel for the petitioner/Insurance Company would contend that the proper multiplier that can be adopted in this case is 8 as the deceased was aged 56 at the time of the accident and that

therefore the judgment may be corrected accordingly.

5. This petition is opposed by the claimants.

For several reasons we feel that there is no merit in this review petition. The deceased was working as Senior Technician (Engineering) in Appolo Tyres, Kalamasery. The claimants have produced Ext.A6 before the Tribunal, a copy of which is produced herein which shows that if the deceased had continued in service till his date of retirement on August 11, 2009, the total benefit he would have obtained is 8,14,421/-. Annexure A1 shows his salary as about Rs.18,000/-. But we have taken the monthly income of the deceased as only Rs.6,000/- as taken by the Tribunal. Under these circumstances, we have fixed the multiplier as 11 which appears to be reasonable. Therefore, we find no ground to reduce the multiplier adopted by this court. That being so, we find no merit in the review petition and the same is hereby dismissed.

A.K.BASHEER, JUDGE

P.Q.BARKATH ALI, JUDGE

SV.

