

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 30TH DAY OF JULY 2019 / 8TH SRAVANA, 1941

MACA.No.1463 of 2017

AGAINST THE AWARD IN OPMV 543/2013 of MOTOR ACCIDENT CLAIMS  
TRIBUNAL MUVATTUPUZHA

APPELLANTS/PETITIONERS:

- 1 JOSEPH JOHN  
S/O. JOHN, EZHOLIKAL HOUSE, VADATTUPARA POST,  
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM TALUK.
- 2 THANKAMMA JOSEPH  
W/O. JOSEPH JOHN, EZHOLIKAL HOUSE, VADATTUPARA POST,  
KUTTAMPUZHA VILLAGE, KOTHAMANGALAM TALUK.

BY ADVS.  
SRI.MATHEW JOHN (K)  
SRI.DOMSON J.VATTAKUZH

RESPONDENTS/RESPONDENTS:

- 1 AJAS P.A  
S/O. ABDUL RAHIM, PUTHURI HOUSE, PARAPPURAM,  
PERUMBAVOOR POST, ERNAKULAM - 683 542.
- 2 MOHAMMED RINSHAD  
S/O. ABDUL RAZAK, H.NO. 12/615A [20/105] MELETHADAM  
HOUSE, PARAPPURAM, PERUMBAVOOR POST, PERUMBAVOOR 683  
542.
- 3 SHRIRAM GENERAL INSURANCE CO.LTD.  
E-8, RILICO INDUSTRIAL AREA, SITA PURA, JAIPURE,  
RAJASTHAN - 302022.

BY ADVS.  
SRI.MATHEWS JACOB (SR.)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON  
30.07.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

### **JUDGMENT**

This is an appeal preferred by the claimants in a proceedings for compensation before the Motor Accidents Claims Tribunal. As against the claim of Rs.10,00,000, the Tribunal has granted a sum of Rs.9,07,500/-. The claimants are aggrieved by the quantum of compensation granted by the Tribunal.

2. When the matter was taken up on 24.07.2019, the learned counsel on either side agreed that they would make an endeavour to settle the dispute relating to the quantum of compensation after consulting with their parties. The matter was, accordingly, adjourned for settlement and when the matter has come up today, the learned counsel for the insurer offered to the claimants Rs.3,94,600/- towards compensation for loss of dependency, in addition to the compensation already granted by the Tribunal. The learned counsel for the insurer has also offered to the claimants a consolidated sum of Rs.82,980/-, towards interest for the additional compensation offered. The total compensation with interest would, thus, come to Rs.4,77,580/-. The learned counsel for the insurer has offered in the place of Rs.4,77,580/-, a sum of

Rs.4,80,000/-. The learned counsel for the claimants, after obtaining instruction from the parties, agreed to accept the said amount towards full and final settlement of the claim for enhanced compensation made in the appeal. As required by the Court, a joint statement has also been submitted by the counsel on either side stating that the matter has been settled for a consolidated amount as indicated above.

3. On an evaluation of the facts and circumstances of the case and the materials on record, I am of the view that the additional compensation as also the interest offered by the insurer, as accepted by the claimants represent the just additional compensation to be granted to the claimants. The joint statement submitted by the counsel on either side will form part of the records in this matter.

4. In the circumstances, the impugned award is modified, granting to the claimants a sum of Rs.4,80,000/- (Rupees four lakhs eighty thousand only) by way of additional compensation. The insurer shall deposit the additional compensation within 60 days from the date of receipt of a copy of the judgment, failing which the said amount would carry interest at the rate of 12% from the date of

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the judgment. Other directions contained in the award passed by the Tribunal will stand.

Sd/-  
**P.B.SURESH KUMAR,**  
**JUDGE**

kkj