

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 27TH DAY OF MAY 2016/6TH JYAISHTA, 1938

MACA.No. 1151 of 2012 ()

AGAINST THE AWARD IN OPMV 998/2010 OF MOTOR ACCIDENTS CLAIMS
TRIBUNAL,ERNAKULAM DATED 23-02-2012

APPELLANT(S)/PETITIONERS:

1. A.G.FRANCIS
S/O. GEORGE, AGED 52, ALAPPATTU HOUSE, MARADU.P.O, MARADU VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.
2. MARY FRANCIS,
W/O. FRANICS, AGED 46, ALAPPATTU HOUSE, MARADU.P.O, MARADU VILLAGE,
KANAYANNOOR TALUK, ERNAKULAM DISTRICT.

BY ADVS.SRI.MATHEWS K.PHILIP
SMT.T.MANASY

RESPONDENT(S)/RESPONDENTS:

1. TOMY PETER
S/O. PETER, MADATHIPARAMBIL HOUSE, ELANJI.P.O, ELANJI VILLAGE,
ERNAKULAM DISTRICT - 686 665.
2. N.J. JAMES,
MANAGING PARTNER, M/S. NEERAKKAL GRANITES, MUTTUCHIRA.P.O,
KOTTAYAM DISTRICT - 686 613.
3. THE MANAGER
ORIENTAL INSURANCE COMPANY LIMITED, BRANCH OFFICE,
KOTHAMANGALAM -686691.

R3 BY ADVS. SRI.MATHEWS JACOB (SR.)
SRI.P.JACOB MATHEW
SRI.GEORGE CHERIAN (THIRUVALLA)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
27-05-2016, ALONG WITH MACA Nos.1222/2012 & CONNECTED CASES, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

SHG/

C.T. RAVIKUMAR & K.P. JYOTHINDRANATH, JJ.

M.A.C.A.Nos.1151, 1222, 1255 & 1296 of 2012

Dated this the 27th day of May, 2016

J U D G M E N T

C.T. Ravikumar, J.

All the captioned appeals arise from the common award dated 23.2.2012 in O.P.(M.V.)Nos.998, 999 and 1000 of 2010 passed by the Motor Accidents Claims Tribunal, Ernakulam. M.A.C.A.Nos.1151 and 1296 of 2012 arise from O.P.(M.V.)No.998 of 2010. The former among the said appeals has been preferred by the petitioners therein and the latter appeal has been preferred by the 3rd respondent therein viz., the insurer of the tipper lorry involved in the accident in question. M.A.C.A.No.1222 of 2012 is filed against the judgment and award in O.P.(M.V.)No.1000 of 2010 by the petitioners therein and M.A.C.A.No.1255/2012 is preferred against the judgment and award in O.P.(M.V.) No.999/2010 by the petitioners therein. The above mentioned claim petitions were filed respectively seeking compensation for the death of Messrs. A.F. Anoop, A.R. Anoop and Satheesh V.S. by their respective legal

heirs, that occurred in a motor vehicle accident on 23.2.2010. Since all the claim petitions arose from one and the same accident and they were jointly enquired into and disposed of by a common award dated 23.2.2012 by the Tribunal all the captioned appeals were jointly heard. They are now, being disposed of by this common judgment.

2. The deceased in the aforementioned accident involving the aforesaid tipper lorry bearing registration No.KL-36A 2724 were all bachelors, aged 26 years and on the fateful day they were travelling in a car bearing registration No.KL 40/C 5512. In fact, it was being driven by deceased A.R. Anoop. When the car reached near the old bus stand at Tripunithura the offending vehicle which is a tipper lorry bearing registration No.KL-36 A 2724, being driven by the first respondent, allegedly, in a rash and negligent manner dashed against their car. A.R. Anoop and Satheesh V.S. died instantaneously and A.F. Anoop died from Medical Trust Hospital, Ernakulam on 27.3.2010. It is in the said circumstances that their respective legal heirs

filed the aforementioned claim petitions. As per the impugned common award dated 23.2.2012 the Tribunal awarded a compensation of Rs.6,33,685/- in O.P.(M.V.) No.998 of 2010, Rs.3,08,500/- in O.P.(M.V.)No.999/2010 and Rs.3,74,500/- in O.P.(M.V.)No.1000/2010. The amount awarded were ordered to carry interest at the rate of 8% per annum from the date of petition till realization along with cost. The petitioners filed appeals, essentially seeking enhancement of the quantum of compensation and the insurer of the offending vehicle filed M.A.C.A.No.1296/2012 against judgment in O.P.(M.V.)No.998/2010 mainly aggrieved by that part of it whereby the Tribunal ordered reduction of only 1/3rd of the income of the deceased towards his personal expenses in total disregard to the dictum laid down by the Hon'ble Apex Court in **Sarla Varma v. Delhi Transport Corporation [2010 (2) KLT 802 (SC)]**. For the sake of convenience hereinafter in this judgment the parties are referred to in accordance with their status in their respective claim petitions unless

otherwise specifically stated.

3. **M.A.C.A.Nos.1151/2012 and 1296/2012:**

As noticed hereinbefore these appeals are directed against the judgment and award dated 23.2.2012 in O.P. (M.V.)No. 998/2010. The petitioners are the legal heirs of one A.F. Anoop who met with a motor vehicle accident on 21.3.2010 while travelling in the car driven by deceased A.R. Anoop and succumbed to the injuries on 27.3.2010. They are respectively the parents of the deceased A.F. Anoop. In the claim petition it was stated that the deceased was a wood polish worker and was earning a monthly income of Rs.8,000/- per month. To establish their claims the petitioners got marked Exts.A17 to A23. On the side of the respondents no documentary evidence was adduced. Both sides did not adduce any oral evidence. As noticed hereinbefore after appreciating the evidence on record as also the rival contentions the Tribunal granted a total compensation of Rs.6,36,685/- as per the impugned award. The main contention of the appellant in

M.A.C.A.No.1151/2012 is that the Tribunal disregarded the specific contentions regarding the income and occupation of the deceased and erroneously fixed Rs.5,000/- as his monthly income for the purpose of computing the compensation. It is the contention of the learned counsel for the appellants therein that apart from the specific assertion in the claim petition regarding the occupation of the deceased the factum of his occupation as a wood polish worker is noted in Ext.A19 inquest report. It is further contented that though an amount of Rs.25,000/- was claimed towards funeral expenses the Tribunal granted only an amount of Rs.7,500/-. It is the further contention that the Tribunal had failed to take note of the fact that the deceased was the one and only son of the petitioners while granting compensation under the head compensation for loss of love and affection. As against the claim of Rs.5 lakhs only a meagre amount of Rs.35,000/- was granted. The learned counsel for the appellants contended that for the purpose of computing the compensation under the head loss

of dependency the Tribunal went wrong in adopting the multiplier with reference to the age of the mother instead of fixing it with reference to the age of the deceased. It is therefore submitted that the adoption of multiplier is against the dictum laid down by the Hon'ble Apex Court in Sarla Varma's case (supra) which was confirmed by the Hon'ble Apex Court in **Munna Lal Jain & Ors. v. Vipin Kumar Sharma & Ors. [(2015) 6 SCC 347]**.

4. Per contra the learned counsel appearing for the third respondent/insurer who is the appellant in M.A.C.A.No.1296/2012 contended that the Tribunal cannot be found fault with in fixing the monthly income of the deceased notionally as the petitioners despite their assertion regarding the income and occupation of the deceased failed to adduce any evidence in that regard. According to the learned counsel, the mere statement in Ext.A19 could not be taken as proof regarding occupation of the deceased. It is further contented by the learned counsel appearing for the third respondent that the Tribunal erred

in ordering reduction of only $1/3^{\text{rd}}$ of the income of the deceased towards his personal expenses while computing the compensation under the head loss of dependency. It is contented that in the light of the decision of the Hon'ble Apex Court in Sarla Varma's case (supra) and in the light of the undisputed position that the deceased was a bachelor, the reduction ought to have been 50% of the personal income of the deceased. It is also contented by the learned counsel that a bare perusal of compensation granted under different heads would reveal that the Tribunal has granted adequate compensation under all those heads. In short, no appellate interference is called for.

5. In the light of the rival contentions firstly we will consider the question whether the Tribunal has correctly adopted the multiplier. In fact, the question of adoption of multiplier for the purpose of computing compensation in a claim petition filed under Section 166 of the M.V. Act, for death under the head loss of dependency is no more res integra. The position has been settled by the Hon'ble Apex

Court in Sarla Varma's case has been virtually affirmed in Munna Lal's case (supra). In Sarla Varma's case (supra) the Hon'ble Apex Court held that in a claim petition while computing the compensation under the head loss of dependency the multiplier has to be adopted with reference to the age of the deceased. In this case the deceased was only 26 years at the time of death. The Tribunal instead of adopting the multiplier with reference to the age of the deceased, took the multiplier with reference to the age of the mother as 11. In the light of the decision in Sarla Varma's case (supra) and taking note of the age of the deceased, the correct multiplier to be adopted is 17. In the said circumstances, we have no hesitation to hold that the Tribunal went wrong in adopting the multiplier as '11' with reference to the age of the mother of the deceased and therefore, taking note of the age of the deceased the multiplier to be adopted in this case is 17. As regards the contentions regarding the fixation of monthly income of the deceased evidently, the specific averments in the claim

petition is that the deceased was a wood polish worker and that he was earning Rs.8,000/-. True that the petitioners did not adduce any oral evidence or produced any certificate showing or revealing the income of the deceased. In this context, it is to be noted that the appellants did not put forth a case that the deceased was working under anybody as a wood polish worker and was getting Rs.8,000/- as wages or salary. Their only contention is that he was a wood polish worker and was earning Rs.8,000/- per month. Going by the nature of the work in which he was indulging there can be no doubt that it would not be possible for the appellants-claimants to adduce any authenticated document revealing his occupation and income. It is in this context that Ext.A19 assumes some relevance. A perusal of Ext.A19 would reveal that the occupation of the deceased was mentioned therein as wood polish worker. Since the said document was prepared immediately after the death of A.F. Anoop, the victim in this case and on enquiry with the local people by the officer who conducted the inquest on the

body of the deceased such a reference in the said contemporaneous document prepared by a competent officer would at least would go to show that during the said enquiry his avocation was mentioned by the local people as wood polish worker. We are of the considered view that the said fact need not be doubted. Though it would give an indication regarding the nature of work of the deceased it would not throw any light regarding his income. In such circumstances, the Tribunal cannot be found fault with in fixing the monthly income of the deceased notionally. Still the question to be decided is whether the fixation of the monthly income at Rs.5,000/- requires an appellate modification. In that context certain aspects have to be taken into account. We cannot lost sight of the fact that in respect of an accident which occurred in the year 2004 to a person working as a coolie the Hon'ble Apex Court, for the purpose of computing compensation, fixed his monthly income as Rs.4,500/- as is obvious from the decision in **Ramachandrappa v. Manager, Sundaram Alliance**

Insurance Company Limited [(2011) 13 SCC 236]. In this case the deceased was aged only 26 years and the accident that culminated his death occurred on 21.3.2010. Taking into account the passage of time, the nature of work revealed from the aforesaid circumstances, we are of the view that the fixation of Rs.5,000/- as the monthly income of the deceased is on the lower side and in such circumstances taking note of all such factors, we are inclined to fix the monthly income of the deceased notionally at Rs.6,000/- for calculation purpose. A scanning of the impugned award would reveal that while assessing the compensation under the head loss of dependency the Tribunal also has failed to take note of the future prospects that the deceased would have obtained but for his untimely death. He was aged only 26 years. True that the deceased was not a salaried person and he could not have been described as a person on fixed wages in the strict sense. True that in respect of a wood polish worker or person doing similar or such other works which would not fall under the aforesaid heads the

availability of their engagement certainly depends upon the demand or requirement of others. But at the same time none can say that even in respect of such persons the factors like price index, cost of living etc. could not have been any reflection in regard to their income and always, disregarding such factors, their income would remain static. It is also to be noted in the case of persons belonging to such category of work there is no age of superannuation. Taking into account all such circumstances we are of the view that addition of 30% of the notional income reckoning future prospects would only be proper and just. In the light of the fixation of the monthly income of the deceased at Rs.6,000/- by adding 30% towards the future prospects the monthly income in this case, for the purpose of computing compensation under the head loss of dependency, has to be taken as Rs.7,800/-. We have already found the correct multiplier applicable in this case, with reference to the age of the victim is 17. We have also found that the Tribunal went wrong in deducting only $\frac{1}{3}^{\text{rd}}$ of the income towards

personal expenses of the deceased and in the light of the decision in Sarla Varma's case (supra) the deduction ought to have been 50% of such income. In such circumstances, the multiplicand to be adopted for the purpose of assessing compensation towards loss of dependency in this case is the annual income reckoning the monthly income as Rs.3,900/- after all such addition and deduction. With the modification of the aforesaid factors the amount of compensation payable under the head loss of dependency is to be reassessed. On such reassessment the petitioners are entitled to get an amount of Rs.7,95,600/-. It is to be noted that the Tribunal has already granted an amount of Rs.4,40,000/- under that head. Hence deducting the said amount from the amount arrived at, the petitioners would be entitled to get an amount of Rs.3,55,600/- (Rupees three lakhs fifty five thousand six hundred only) additionally under that head. It is to be noted that according to the petitioners the Tribunal had not granted the due amount towards funeral expenses. Evidently, the said contention is

founded on a decision of the Hon'ble Apex Court in **Rajesh v. Rajbir Singh [2013 (3) KLT 89 (SC)]**. In the said decision the Hon'ble Apex Court held that in the absence of evidence for higher expenses a minimum of Rs.25,000/- has to be granted under the head funeral expenses in a petition for compensation under Section 166 of the Motor Vehicles Act. In this case as against the claim of Rs.25,000/- the Tribunal granted only an amount of Rs.7,500/-. In the light of the aforesaid decision the petitioners are entitled to get an amount of Rs.17,500/- additionally under that head. Accordingly it is awarded. Towards compensation for loss of love and affection, the petitioners claimed an amount of Rs.5 lakhs and the Tribunal granted only an amount of Rs.35,000/-. While considering the adequacy or otherwise the fact that the deceased was the one and the only son of the petitioners has to be borne in mind. When the parents lost their one and the only son, granting of compensation at Rs.35,000/- can only said to be too meagre. We are of the view that the petitioners are entitled to get Rs.50,000/- each

and in such circumstances they are entitled to get an amount of Rs.65,000/- additionally under that head. In the light of the aforesaid discussion the petitioners in O.P. (M.V.)No.998/2010 are entitled to get a total enhanced compensation of Rs.4,38,100/- rounded off as Rs.4,38,000/- (Rupees four lakhs thirty eight thousand only). In the said circumstances M.A.C.A.No.1151/2012 is allowed granting an enhanced amount of Rs.4,38,000/-. The said enhanced amount will carry interest at the rate of 8% per annum from the date of petition till realization. The third respondent shall deposit the said amount within a period of three months from the date of receipt of a copy of this judgment. In case of failure on the part of the third respondent to deposit the said amount within the stipulated time, the amount remaining to be paid will carry interest @ 9% per annum from the date of petition. There will be no order as to costs. In the said circumstances M.A.C.A.No.1296/2012 is allowed in part, that is, to the extent it mounted challenge against the inadequate reduction towards personal

expenses of the deceased disregarding the dictum laid down in Sarla Varma's case (supra). Accepting the contention based on the said decision and indisputable fact that the deceased was a bachelor we have already deducted 50% of the income towards the personal expense of the deceased A.F. Anoop.

6. **M.A.C.A.No.1255/2012:**

As noticed hereinbefore this appeal has been preferred by the petitioners in O.P.(M.V.)No.999/2010 on being dissatisfied with the quantum of compensation awarded by the Tribunal as per the common award dated 23.2.2012. The said claim petition was filed seeking compensation for the death of one A.R.Anoop in a motor vehicle accident that occurred on 21.3.2010. We have already narrated the circumstances that led to the filing of the claim petition and as such a reiteration of the same is unwarranted. The deceased herein was driving the car involved in the accident. He died instantaneously on sustaining the injuries in the accident. He was then aged 26 years. In the claim

petition it was stated that he was a driver by profession and was earning a monthly income of Rs.9,000/-. True that the petitioners have not adduced any evidence to establish such contentions regarding income and occupation. But at the same time it is to be noted that in Ext.A14 inquest report there is a mention regarding the avocation of the deceased A.R. Anoop. It is noted therein that he was employed as a driver under one Varghese. In the light of the factors which are relevant for the purpose of deciding the compensation under the head loss of dependency in this case are exactly identical to those factors which we have taken into consideration while fixing the compensation under the head loss of dependency in M.A.C.A.No.1151/202. In such circumstances adopting the same reasoning and conclusions, we fix the monthly income of the deceased A.R. Anoop for the purpose of deciding the compensation under the head loss of dependency as Rs.6,000/- and 30% has to be added to the said income reckoning the future prospects which he would have had but for his untimely

death. The Tribunal has correctly ordered reduction of 50% of the income of the deceased in this case following the dictum of the Hon'ble Apex Court in Sarla Varma's case (supra) and taking into account the fact that he was a bachelor. In such circumstances, the monthly income of the deceased has to be taken, while fixing the compensation under the aforesaid head, as Rs.3,900/-. In this case as in the case of O.P.(M.V.)No.998/2010 the Tribunal fixed the multiplier with reference to the age of the mother of the deceased instead of reckoning it with reference to the age of the deceased. Going by the dictum laid down by the decision of the Hon'ble Apex Court in Sarla Varma's case (supra) the multiplier has to be adopted with reference to the age of the deceased. In this case the Tribunal adopted the multiplier as 11 taking note of the age of the mother. Taking into account the fact that the deceased A.R.Anoop was aged only 26 years at the time of death and in the light of the aforesaid decision the multiplier to be adopted in this case is 17. Following these formula followed by the

Tribunal for arriving the compensation under the head loss of dependency with modified multiplicand and multiplier the petitioners are entitled to get an amount of Rs.3,55,600/- (Rupees three lakhs fifty five thousand six hundred only) additionally under that head. Towards funeral expenses the petitioners claimed an amount of Rs.22,000/- and the Tribunal granted only an amount of Rs.7,500/-. In the light of the decision of the Hon'ble Apex Court in Rajesh's case (supra) in the absence of evidence of higher expenses, a minimum of Rs.25,000/- has to be granted towards funeral expenses. In this case the petitioners did not adduce any evidence of higher expenses and in such circumstances following the dictum of the Hon'ble Apex Court in Rajesh's case (supra) we are inclined to award an amount of Rs.17,500/- additionally under that head. Towards compensation for loss of love and affection the petitioners who are respectively mother and siblings of the deceased claimed an amount of Rs.75,000/- and the Tribunal granted an amount of Rs.25,000/-. Taking note of

the relation of the petitioners with the deceased we are of the view that it is only just and proper to grant an amount of Rs.20,000/- additionally under that head. It is awarded. In the light of the aforesaid discussion the petitioners/the appellants in M.A.C.A.No.1255/2012 are entitled to get a total enhanced amount of Rs.3,93,100/- rounded off as Rs.3,93,000/- (Rupees three lakhs ninety three thousand only). The said enhanced amount will carry interest at the rate of 8% per annum from the date of petition till realization. The third respondent shall deposit the said amount within a period of three months from the date of receipt of a copy of this judgment. In case of failure on the part of the third respondent to deposit the said amount within the stipulated time, the amount remaining to be paid will carry interest @ 9% per annum from the date of petition. There will be no order as to costs.

7. **M.A.C.A.No.1222/2012:**

The appellants herein who are the legal heirs of one Satheesh V.S. who died in a motor vehicle accident on

21.3.2010. On that day he was travelling in a car driven by the victim in O.P.(M.V.)No.999/2010 in which the victim in O.P.(M.V.)No.998/2010 was also a traveler. The appellants are respectively the mother and brother of the deceased. The deceased was aged 26 years at the time of death. In the claim petition it is stated that he was a barber by profession and he was earning Rs.8,000/- per moth. Despite such averments taken in the claim petition they failed to adduce evidence in support of such contentions. In the circumstances the Tribunal notionally assessed his monthly income for calculation purpose as Rs.5,000/-. Taking note of the age of the mother, the first appellant, the Tribunal adopted the multiplier as 11. 50% of the income of the deceased was deducted towards his personal expenses while computing the compensation under the head loss of dependency. On the side of the appellants Exts.A1 to A12 were got marked in support of their claim for compensation. No oral evidence was adduced by both sides and in the case of respondents they did not adduce any documentary

evidence as well. On evaluating the evidence on record and appreciating the rival contentions the Tribunal granted a total compensation of Rs.3,74,500/-. It is in the said circumstances that the captioned appeal has been preferred seeking enhancement of the quantum of compensation.

8. The contention of the learned counsel appearing for the petitioners/the appellants is that the Tribunal erred in fixing the multiplier for the purpose of computing the compensation under the head loss of dependency and also erred in fixing the monthly income only at Rs.5,000/- for the aforesaid purpose. It is the further contention that as against a claim of Rs.22,000/- towards funeral expenses the Tribunal granted only an amount of Rs.7,500/-. According to the learned counsel for the appellants the compensation granted under the head loss of love and affection is also inadequate. In such circumstances, it is contended that the compensation granted by the Tribunal under those heads warrant an upward modification. The learned counsel appearing for the third respondent contended that the

averments in the claim petition regarding the income and occupation was not established by the appellants by adducing evidence. In such circumstances the Tribunal cannot be found fault with in fixing the monthly income notionally. Evidently, the appellants had failed to adduce evidence in support of the contention taken in the claim petition that the deceased was a barber by profession and he was earning Rs.8,000/- per month. In such circumstances, we do not find any error in fixing the monthly income notionally by the Tribunal. But, at the same time the question is whether the fixation of monthly income as Rs.5,000/- requires interference. The victim was aged only 26 years at the time of death. The accident in question which resulted in his death occurred on 21.3.2010. We cannot lost sight of the fact that in respect of an accident which occurred in the year 2004 to a person working as a coolie the Hon'ble Apex Court, for the purpose of computing compensation, fixed his monthly income notionally as Rs.4,500/- as is obvious from the decision in

Ramachandrappa v. Manager, Sundaram Alliance Insurance Company Limited [(2011) 13 SCC 236].

Taking into account the such circumstances we are of the view that it is only just and proper to notionally fix the monthly income of the deceased as Rs.5,500/- for calculation purpose. The contention of the petitioners is that the Tribunal went wrong in fixing the multiplier as 11 with reference to the age of the mother is only to be upheld in the light of the decision of the Hon'ble Apex Court in Sarla Varma's case (supra) which was virtually confirmed by the Apex Court in Munna Lal's case (supra). Going by those decisions the multiplier for the aforesaid purpose has to be taken with reference to the age of the deceased. As noticed herein before the deceased was aged only 26 years and in such circumstances in the light of the decision in Sarla Varma's case (supra) the multiplier to be adopted in this case is 17. The Tribunal effected deduction of 50% of the income towards personal expenses adhering to the dictum laid down by the Apex Court in Sarla Varma's case (supra)

and taking note of the fact that the deceased was a bachelor. In such circumstances with modified multiplier and multiplicand the entire amount of compensation under the head loss of dependency is to be re-assessed. On such calculation after making addition and deduction, as mentioned, the petitioners/appellants would be entitled to get an amount of Rs.5,61,000/-. The Tribunal has already granted an amount of Rs.3,30,000/- under the said head and in the said circumstances after deducting the said amount from the amount assessed by us, the appellants are entitled to get an amount of Rs.2,31,000/- additionally under that head. Towards funeral expenses, as against a claim of Rs.22,000/- the Tribunal granted only Rs.7,500/-. In the light of the dictum laid down by the Apex Court in Rajesh's case (supra) the appellants are entitled to get an amount of Rs.17,500/- additionally and accordingly it is granted. Towards compensation for loss of love and affection the appellants claimed an amount of Rs.75,000/- and the Tribunal granted an amount of Rs.30,000/-. Taking into

account the fact that the petitioners/ appellant are the mother and the brother of the deceased we are of the view that an additional amount of Rs.20,000/- has to be granted under the said head. Accordingly it is awarded. In the light of the said discussion, the appellants are entitled to get a total enhanced compensation of Rs.2,68,500/- over and above the amount granted by the Tribunal as per the impugned award in O.P.(M.V.)No.1000/2010. The said enhanced amount will carry interest at the rate of 8% per annum from the date of petition till realization. The third respondent shall deposit the said amount within a period of three months from the date of receipt of a copy of this judgment. In case of failure on the part of the third respondent to deposit the said amount within the stipulated time, the amount remaining to be paid will carry interest @ 9% per annum from the date of petition. There will be no order as to costs.

It is made clear that in all these appeals filed by the petitioners the enhanced amount will have to be

apportioned between the respective petitioners/appellants in the same ratio fixed by the Tribunal. All the appeals are allowed as above.

Sd/-
C.T. RAVIKUMAR
JUDGE

Sd/-
K.P. JYOTHINDRANATH
JUDGE

//True copy//

P.A. TO JUDGE

shg/