

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

&

THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

MACA.No. 1714 of 2004 ()

AGAINST THE AWARD IN OPMV 683/1999 of ADL.D.C. & MACT, THODUPUZHA DATED
09-03-2004

APPELLANT(S)/APPELLANT/PETITIONER::

ASWATHI RANI, AGED 40 YEARS,
W/O. MATHEW, PRIYADARSINI HOUSING COLONY, KOVOOR HOUSE
KARIKODE KARA, THODUPUZHA EAST P.O.

BY ADV. SRI.JACOB ABRAHAM

RESPONDENT(S)/RESPONDENTS 1 TO 3::

1. JOSE EAPEN
THATTAMPARAMBIL, KURUMANNU P.O., PALA.

2. U.P.KASSIM @ ANNAN, S/O. PAKRUDDIN,
MULLASSERIL HOUSE, ACHANKAVALA, THODUPUZHA.

3. M/S. NATIONAL INSURANCE CO. LTD.,
THODUPUZHA.

R3 BY ADV. SRI.P.JAYASANKAR

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON
15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**P.R. RAMACHANDRA MENON
&
BABU MATHEW P JOSEPH, JJ.**

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M.A.C.A. No. 1714 of 2004

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Dated, this the 15th day of July, 2015

JUDGMENT

Ramachandra Menon, J.

Inadequacy of the compensation worked out by the Tribunal in respect of the injuries sustained by the appellant in a road traffic accident on 12.10.1998 is the subject matter of challenge in this appeal.

2. The appellant was travelling as a passenger in the jeep bearing No. **KL5A 6593** which was owned by the first respondent and driven by the second respondent. The vehicle was having valid insurance coverage. In the accident following injuries were sustained:

1. Comminuted fracture lower end of right radius.
2. fracture pisiform right.
3. fracture radial head left
4. swelling over right wrist joint
5. Lacerated wound over right chin

3. After considering the facts and figures, the Tribunal passed an Award granting a total sum of Rs.30,600/- with interest payable

@ 9% p.a. from 06.08.1999 till realisation, which is sought to be enhanced by filing the present appeal.

4. Heard the learned counsel for the appellant as well as the learned counsel appearing for the insurance company.

5. The amounts awarded by the Tribunal under various heads are given below :

Loss of earning	: Rs. 12,000
Compensation for pain and sufferings	: Rs. 17,000
Bystander expenses	: Rs. 500
Transportation expense	: Rs. 300
Extra nourishment expense	: Rs. 500
Damage to clothing	: Rs. 300
Total	: Rs. 30,600

6. We find that serious injuries have been caused to the petitioner, to both the arms and as such, slight modification is necessary under the relevant heads. It is also stated that the appellant was working as a 'public prosecutor' and that no amount was given as to the 'loss of amenities', in spite of the certified extent of disability as per Annexure A8.

7. Considering the facts and circumstance, we hereby grant an enhancement of Rs.2,000/- towards the bystander expenses, Rs.8000/- towards the pain and sufferings and further sum of Rs.10,000/- towards the loss of amenities, thus granting a total additional sum of Rs.20,000/-. The said amount would carry interest @ 9 % p. a from the date of petition till the date of satisfaction. The insurance company is directed to satisfy the amount within one month.

Appeal is disposed of.

sd/-

**P. R. RAMACHANDRA MENON,
(JUDGE)**

sd/-

**BABU MATHEW P. JOSEPH,
(JUDGE)**

kmd