

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

MACA.No. 83 of 2012 ()

OPMV 374/2010 of M.A.C.T. TIRUR

APPELLANT/PETITIONER :

SIVANANDAN AGED 20 YEARS
S/O. MADHAVAN, PARAKKAL HOUSE, ATHAVANAD.P.O.
TIRUR TALUK, MALAPPRAM DISTRICT.

BY ADVS.SRI.K.P.SUDHEER
SMT.M.SINDHU THANKAM

RESPONDENT/3RD RESPONDENT :

SHRIRAM GENERAL INSURANCE CO. .LTD.
C/O. SHRIRAM TRANSPORT FINANCE CO. LTD.
NADUVILANGADI, P.O.TIRUR-676101, MALAPPURAM DISTRICT.

BY ADV. SRI.P.JACOB MATHEW

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.83 of 2012

Dated 13th January, 2015.

J U D G M E N T

The claimant in a proceeding for compensation before the Motor Accident Claims Tribunal has come up in this appeal challenging the quantum of compensation granted to him.

2. The claimant was a coolie aged 19 years at the time of the accident. The accident took place on 7.10.2009. According to him, he suffered fracture of left thumb and a few other injuries in the accident and on account of the same, he could not work for a period of two months. He claimed a sum of Rs.50,000/- by way of compensation.

3. The Tribunal, on an appraisal of the entire materials on record, found that the claimant is entitled only to a sum of Rs.9,175/- by way of compensation and an award was accordingly passed for the said amount. In the matter of awarding the said amount, the Tribunal granted a sum of Rs.5,000/- towards compensation for pain and sufferings. No

compensation is seen awarded for loss of earnings.

4. Heard the learned counsel for the appellant/claimant as also the learned Senior Counsel appearing for the respondent/insurer.

5. The fact that the claimant is a coolie is not seriously disputed. Likewise, the fact that he suffered fracture of left thumb is also not disputed. It is seen that the claimant had produced medical bills for an amount of Rs.2,373/- which indicate that he underwent treatment for the injuries sustained by him. In the nature of the injuries suffered by the claimant as aforesaid, he being a coolie, it can be presumed that he would not have worked for quite some time. The claimant, in the above circumstances, is entitled to a decent compensation for loss of earning also. On an evaluation of the materials on record, I feel that the claimant is entitled to a sum of Rs.10,000/- towards future loss of earnings.

In the result, the amount awarded by the Tribunal is modified, granting a further sum of Rs.10,000/- to the claimant by way of compensation. Needless to say, the claimant will be

entitled to interest for the enhanced compensation also at the same rate at which the interest was granted by the Tribunal for the compensation awarded.

Sd/-

P.B.SURESH KUMAR, JUDGE.

tgs

(true copy)