

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 31ST DAY OF AUGUST 2015/9TH BHADRA, 1937

MACA.No. 430 of 2012 ()

OPMV 1357/2007 of MOTOR ACCIDENTS CLAIMS TRIBUNAL, OTTAPPALAM

APPELLANT/PETITIONER :

**GOPIKA, (MINOR),
D/O. RAMAKRISHNAN, CHUNDAPARAMBIL HOUSE,
VALLACHIRA P.O., THRISSUR TALUK, THRISSUR DISTRICT
REP.BY HER MOTHER VASANTHA, W/O.RAMAKRISHNAN**

BY ADV. SRI.SHEJI P.ABRAHAM

RESPONDENTS/RESPONDENTS :

- 1. T.R.DEVASSYKUTTY,
S/O. RAPPAI, THATTILKUPPAYIL HOUSE,
THAIKKATTUSSERY DESOM, VALLACHIRA VILLAGE, KATTUKUZH,
THRISSUR-680562(OWNER CUM RIDER OF KL 8 AL 6715 MOTOR
CYCLE) DL NO.45/20131796/1989 VAILED FROM 27/3/2007 TO 26/3/2012)**
- 2. RELIANCE GENERAL INSURANCE , KOCHI,
XL/3599, 4TH FLOOR, ELIZABETH
ALEXANDER MEM BUILDING, SHANMUGHAN ROAD,
MARINE DRIVE, COCHIN-682031(POLICY NO 1000397643
VALID FORM 2/1/2007 TO 1/1/2008**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 31-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

bp

P.B.SURESH KUMAR, J.

M.A.C.A.No.430 of 2012

Dated this the 31st day of August, 2015

JUDGMENT

The claimant in a petition for compensation before the Motor Accidents Claims Tribunal has come up in this appeal challenging the quantum of compensation granted by the Tribunal.

2. The claimant was a minor girl aged 8 years at the time of the accident. The accident took place on 10.10.2007. A sum of Rs.1,00,000/- was claimed in the petition by way of compensation. The Tribunal, on an appraisal of the materials on record, found that the claimant is entitled to only a sum of Rs.39,600/- and accordingly, an award was passed for the said amount. As the vehicle involved in the

accident was covered by a valid insurance policy, the insurer of the vehicle was directed to satisfy the award. The claimant is aggrieved by the said award and hence this appeal.

3. Heard the learned counsel for the appellant.

4. Ext.A2 is the wound certificate issued to the claimant from the Community Health Centre, Cherupalchery. The Tribunal found that the claimant sustained various injuries in the accident including loss of one upper incisor and a few lateral incisors. It is seen that the claimant had undergone various treatments in connection with the injuries sustained by her in the accident incurring a sum of Rs.25,100/-. Other than the reimbursement of the amount incurred by the claimant towards medical expenses, it is seen that only a very nominal amount has been given to the claimant by way of compensation. Ext.A7 produced by the claimant before the Tribunal is the certificate issued by one

Dr.Mahesh Narayanan. In the said certificate, the Doctor has stated the particulars of the further treatment required for the claimant after she attains the growth phase. The estimated cost of the further treatment is indicated in the said certificate as Rs.90,000/-. No compensation has been granted to the claimant towards further treatment. Having regard to the aforesaid facts and circumstances, I am of the view that some amount has to be granted to the claimant towards future treatment also, which I fix at Rs.20,000/-.

5. It is seen that interest has been granted by the Tribunal for the compensation awarded only at the rate of 8% per annum. It is now settled that the claimant in a proceedings of this nature is entitled to interest for the compensation awarded at the rate of 9% per annum.

In the result, the appeal is allowed in part. The compensation granted by the Tribunal is modified granting a further sum of Rs.20,000/- to the claimant by way of

compensation. Needless to say, the claimant will be entitled to interest for the whole amount of compensation at the rate of 9% per annum.

P.B.SURESH KUMAR, JUDGE.

smm