

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

MACA.No. 571 of 2007 ()

AGAINST THE AWARD IN OPMV 1161/2000 of M.A.C.T., KOTTAYAM DATED
31-05-2005

APPELLANT/CLAIMANT:

PRASHANTH GOPAL, THEKKEDATHU HOUSE,
CHINFAVANAM P.O., KOTTAYAM.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS/RESPONDENTS:

1. JOYCE E.JAMES,
ELAMTHOTTAM HOUSE, CHIRAKKADAVU EAST P.O., PONKUNNAM.

2. K.K.DASAPPAN,
MANNOSSERIL HOUSE, CHIRAKKADAVU EAST P.O., PONKUNNAM.

3. THE UNITED INDIA INSURANCE CO.LTD.,
PONKUNNAM.

4. THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION, TRIVANDRUM.

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

M.A.C.A.No.571 OF 2007

Dated this the 1st day of July, 2015

JUDGMENT

Jyothindranath, J.

This appeal is preferred against the award dated 31/05/2005 in O.P.(MV) No.1161/2000 on the file of the Motor Accidents Claims Tribunal, Kottayam. The facts is as follows :

2. On 13.7.1997 a group of Advocates of Kottayam Bar were travelling from Kanyakumari to Kottaym through M.C.road in a tempo traveller bearing Reg.No.KL-5D/6078. While the said vehicle was negotiating a sharp curve, a stage carriage of K.S.R.T.C. came from the opposite direction and hit against the vehicle and in that accident the appellant sustained injuries. The appellant was immediately taken to the Medical College Hospital, Thiruvananthapuram and was treated there as inpatient. Appellant's case is that later he continued treatment as outpatient at Medical College Hospital, Kottayam. Appellant filed claim petition claiming a total compensation of Rs.1,00,500/-.

3. When the appeal came up for hearing, the learned counsel for the appellant submitted that this is a case where the appellant sustained skull fracture on the back of his head and there was also injury on the right side of his nose as well as upper portion of his right ear and neck. There was injury to his eyes and also beneath his right knee. It is the case of the appellant that due to the injury loss of income is also there for about six months.

4. We heard the learned counsel for the K.S.R.T.C. Sri.P.C.Chacko, who submits that practically no serious injuries have been sustained. The fracture is only a hairline fracture and it is evident that there is no much outpatient treatment and under such circumstances, interference by this Court is not warranted.

5. Ext.A1 is the CT scan report of the head of the appellant. It reveals that there is an undisplaced fracture. There is evidence of air pockets in the orbital soft tissue right side. The appellant also produced the O.P. cards to evidence that he continued his treatment and attended outpatient department of the Medical College on 13.7.1997 to 14.07.1997. It is also noticed that he was advised maxillo facial

surgery. It can be also seen that CT scan was done as evidenced from Ext.A1. But medical expenses is only seen given as Rs.500/- . No amount is seen awarded towards disfiguration. There is evidence of injuries on the face. It can be further seen that it is a case where there is fracture on the skull . Thus it may also affect his amenities.

6. Accordingly, the compensation is refixed as follows :

<i>Head of claim</i>	<i>Amount awarded in rupees</i>
Loss of earning	3000
Medical expenses	3000
Transport to hospital	1000
Pain and suffering	25000
Disfiguration	15000
Loss of amenities	5000
Total	52000 (Rupees fifty two thousand only)

7. The amount awarded will carry interest @ 9% per annum from the date of petition. Respondent No. 4 shall deposit the amount within three months from the date of receipt of a copy of this judgment and we permit the appellant to withdraw the amount.

The appeal is accordingly allowed. The parties will suffer their costs in the appeal.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.