

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

MACA.No. 238 of 2011 (C)

**O.P.(MV) NO. 81/2004 OF THE II ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, KOLLAM**

APPELLANT/PETITIONER :-

**SULEKHA, W/O.RAMESAN ACHARI, AGED 46,
ATHIRA, THEVALLI, KOLLAM.**

**BY ADVS.SRI.K.S.MANU
SRI.P.SREEKUMAR**

RESPONDENTS/RESPONDENTS :-

- 1. SANISH BABU,(DRIVER)
S/O.DINESH BABU,
KALIVILAKATHU VEEDU,
AYANTHI, CHERUNNIYOOR,
PALACHIRA PO, VARKKALA - 695 171.**
- 2. CHANDRAMATHI SREEDHARAN,
KUZHUVILA HOUSE (OWNER)
PALACHIRA PO, VARKKALA - 695 171 .**
- 3. THE DIVISIONAL MANAGER, UNITED INDIA
INSURANCE COMPANY LTD., DIVISIONAL OFFICE,
ATTINGAL, THIRUVANANTHAPURAM. (INSURER)
PIN - 695 011.**

R3 BY ADV. SRI.RAJESH THOMAS

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

P.B.SURESH KUMAR, J

M.A.C.A.No.238 of 2011

Dated this the 17th day of March, 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 is a tailor. The accident took place on 05.04.2003. The claimant was aged 40 years at the time of accident. A sum of Rs.50,000/- 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.9,737/- and accordingly, an award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance policy at the time of accident, the insurer was directed to satisfy the award. The claimant is aggrieved by the said award.

3. Heard the learned counsel for the claimant and the learned counsel for the insurer.

4. The Tribunal found that no physical injury was caused to the claimant in the accident, but she only suffered

vomiting and convulsion. Nevertheless, it is seen that the Tribunal had granted a sum of ₹250/- towards transportation to the hospital, a sum of ₹500/- towards extra nourishment, a sum of ₹2087/- towards medical expenses, a sum of ₹1,000/- towards bystander's expenses, a sum of ₹500/- towards damage to clothes and articles and a sum of ₹500/- towards loss of earnings. In addition, the Tribunal has also granted a sum of ₹5,000/- towards loss of amenities and enjoyments of life, pain and sufferings etc.

In the light of the finding rendered by the Tribunal that the claimant had not sustained any physical injuries in the accident, I am of the view that the compensation granted by the Tribunal is fair and reasonable. There is no merit in the appeal and the same is accordingly, dismissed.

Sd/-
P.B.SURESH KUMAR
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE