

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. 392 of 2011 (A)

**O.P.(MV)NO. 466/2007 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
IRINJALAKUDA**

APPELLANT/PETITIONER :-

**SHINOJ JAYAPRAKASH, S/O. JAYAPRAKASH,
IYYANITHARA HOUSE, THALIKULAM P.O., DESOM,
NATTIKA VILLAGE, CHAVAKKAD TALUK, C/O. SUGATHAN,
THARAYIL HOUSE, KALAMURI DESOM, KAIPAMANGALAM
VILAGE, KODUNGALLUR TALUK.**

BY ADV. SRI.V.BINOY RAM

RESPONDENTS/RESPONDENTS :-

- 1. R.S.SACHIDANANDAN, S/O. SUKUMARAN,
RAAMI HOUSE, BLANGAD BEACH DESOM, P.O.
CHAVAKKAD TALUK, THRISSUR DISTRICT, PIN-680 506.**
- 2. THE MANAGER,
ORIENTAL INSURANCE CO.LTD., SHOBHA TSM COMPLEX,
RAILWAY STATION ROAD, PALAKKAD, PIN - 678 001.**

R2 BY ADV. SRI.V.P.K.PANICKER

**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.392 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 was a student at the time of accident. The accident took place on 16.03.2007. The claimant was aged 20 years. A sum of ₹57,000/- 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 ₹ 39,752/- 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. Ext.A3 wound certificate produced by the claimant before the Tribunal indicates that he lost two upper incisors and suffered fracture of two upper incisors. Laceration on the upper lip was also noticed in Ext.A3 wound certificate. Ext.A4 is the discharge summary issued to the claimant from the West Fort Hospital. Ext.A4 indicates that the claimant was admitted in the hospital in connection with the injuries sustained by him in the accident on 16.03.2007 and discharged on 19.03.2007. It is seen that the Tribunal was granted a sum of ₹10,000/- towards pain and sufferings. In the nature of the injuries sustained by the claimant, I am of the view that the claimant is entitled a further sum of ₹5,000/- towards compensation for pain and sufferings. Towards loss of amenities, only a sum of ₹3,000/- is seen granted by the Tribunal. Since the claimant lost two upper incisors and suffered fracture of other two upper incisors, I am of the view that the claimant is entitled to a sum of ₹2,000/- more towards compensation on that head. Only a sum of ₹8,000/- is seen granted towards the disability on account of the loss of teeth. According to me, the claimant is entitled to a further sum of

₹5,000/- towards disability on account of loss of teeth. Thus, the claimant is entitled to a further sum of ₹12,000/- towards compensation.

5. It is seen that interest has been granted by the Tribunal for the compensation awarded only at the rate of 7% 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.12,000/- 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.

Sd/-
P.B.SURESH KUMAR
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE