

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. 604 of 2011 ()

O.P.(MV) NO.373 OF 2010 OF MACT, TIRUR

APPELLANT(S)/PETITIONER:

RAJAGOPALAN, S/O.SANKARAN, AGED 24
YEARS, VADAKKOOTT HOUSE, VARAVOOR P.O.
THRISSUR DISTRICT, NOW RESIDING AT MUSTANG MOTORS
(P) LTD., N.H.17 ROAD, CHUNGAM,
VETTICHIRA, NEAR KADAMPUZHA, PIN - 676 552
MALAPPURAM DISTRICT.

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

RESPONDENT(S)/3RD RESPONDENT:

SHRIRAM GENERAL INSURANCE CO.LTD.,
C/O.SHRIRAM TRANSPORT FINANCE CO.LTD., NADUVILANGADI P.O.,
TIRUR - 676 101, MALAPPURAM DISTRICT.

BY ADV. SRI.RAJAN P.KALIYATH

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.604 of 2011

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 Mechanic aged 23 years at the time of the accident. The accident took place on 7.10.2009. According to him, on account of the injuries sustained by him in the accident, he was hospitalized for two days and consequently, he could not work for about two months. He claimed a sum of Rs.50,000/- by way of compensation.

3. The Tribunal, on an appraisal of the materials on record, found that the claimant is entitled only to Rs.4,305/- towards compensation. In the matter of awarding the said amount, the Tribunal had granted a sum of Rs.1,500/- towards pain and sufferings. The Tribunal, however, has not granted any amount towards loss of earning.

4. Heard the learned counsel for the

appellant/claimant as also the learned counsel for the respondent/insurer.

5. Ext.A15(1) is the wound certificate. The injuries suffered by the claimant, as disclosed in Ext.A15(1) read thus :

1. Abrasion Right elbow 2 cm x 2 cm
2. Abrasion Right foot 2 cm x 2 cm
3. Abrasion Right knee 2 cm x 2 cm
4. Abrasion right side of face 2 cm x 2 cm
5. Abrasion right side of back on buttock 2 cm x 1 cm

Ext.A15(2) is a copy of the discharge summary issued from Nadakkavil Hospital to the claimant which indicates that he was admitted for treatment on 7.10.2009 and discharged on 8.10.2009. In so far as the claimant was admitted and treated for the injuries sustained by him in a hospital for two days, I feel that he is entitled to a minimum of Rs.5,000/- towards pain and sufferings. For the very same reason, I feel that he would not have worked at all for some time, especially when he is a Mechanic by profession. According to the claimant, he was earning a sum of Rs.6,000/- per month, which is not very seriously disputed by the insurer, especially when the accident took place on 7.10.2009. In such circumstances, I feel that the claimant is entitled to a sum of Rs.3,000/- being the wages for 15 days towards compensation for loss of earnings.

In the result, the appeal is allowed in part and the award passed by the Tribunal is modified by granting the claimant a further sum of Rs.6,500/- towards 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.

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