

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.B.SURESH KUMAR

FRIDAY, THE 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

MACA.No.670 of 2011

**(OP(MV) NO.3294/2001 OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL,
KOZHIKODE DATED 02-08-2007).**

APPELLANTS/CLAIMANTS:

1. N.P.DEVAKI,D/O.LATE APPUTTY,AGED 70 YEARS,
VALAPPIL HOUSE,MORIKKARA POST,KOZHIKODE.
2. N.V.MALUKUTTY,D/O.LATE APPUTTY,AGED 66 YEARS,
VALAPPIL HOUSE,MORIKKARA POST,KOZHIKODE.
3. RAVI,S/O.LATE APPUTTY,AGED 62 YEARS,
VALAPPIL HOUSE,MORIKKARA POST,KOZHIKODE.
4. SATHI,D/O.LATE APPUTTY,AGED 65 YEARS,
VALAPPIL HOUSE,MORIKKARA POST,KOZHIKODE.

BY ADV.SMT.K.V.RESHMI

RESPONDENTS/RESPONDENTS:

1. SADANANDAN,PUTHYAPARAMBATH HOUSE,
VENGERI POST,KOZHIKODE,PIN-673 010.
2. THE ORIENTAL INSURANCE CO.LTD.,
KINGSWAY BUILDING,MAVOOR ROAD JUNCTION,
KOZHIKODE,PIN-673 001.

R2 BY ADV.SRI.A.R.GEORGE

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.B.SURESHKUMAR, J.

M.A.C.A.No.670 OF 2011

Dated this the 20th day of February, 2015

JUDGMENT

The legal representatives of 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 coir worker. The accident took place on 24.8.1998. The claimant was aged 75 years at the time of accident. A sum of Rs.20,000/- was claimed in the petition by way of compensation. During the pendency of the proceedings, the claimant died. Consequently, her legal representatives came on record. After considering the entire materials on record, the Tribunal awarded a total compensation of Rs.9,497/- as compensation. The additional claimants have preferred this appeal aggrieved by the said award.

3. Heard the learned counsel for the appellants and the learned counsel for the second respondent.

4. It is seen that the claimant sustained fracture of both bones of her right leg in the accident. A sum of Rs.1,997/- was granted by the Tribunal by way of compensation towards reimbursement of medical bills, a sum of Rs.7,000/- towards pain and sufferings and a sum of Rs.500/- towards transportation charges. As noticed above, the claimant was aged 75 years at the time of accident and she died immediately after the accident. In the circumstances, according to me, the compensation granted by the Tribunal is just and reasonable. There is, therefore, no merit in the appeal and the same is accordingly dismissed.

P.B.SURESH KUMAR, JUDGE

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