

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

MACA.No. 812 of 2011

**OP(MV)NO. 509/2007 OF PRINCIPAL MOTOR ACCIDENTS CLAIMS TRIBUNAL,
KOZHIKODE.**
.....

APPELLANT/PETITIONER:

**REGI.K.T., S/O.THANKAPPAN,
AGED 32 YEARS, KUNNUPURATHU HOUSE,
VADAMATTAM POST NADUMATTANI,
THODUPUZZHA, IDUKKI.**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SMT.LEKSHMI SWAMINATHAN**

RESPONDENT(S)/RESPONDENTS:

- 1. SOLY SEBASTIAN, D/O.SEBASTIAN,
AGE NOT KNOWN, VELAMPARAMBIL HOUSE,
THALIPARAMBA POST, KANNUR - 670 001.**
- 2. RAJU.K.V, S/O.VARKEY, AGED 39 YEARS,
KAPPILUMAKKAL HOUSE, OTTATHAI,
ALAKKODU POST, NEAR ALAKKODU SCHOOL,
KANNUR, PIN - 670 571.**
- 3. THE UNITED INDIA INSURANCE CO.LTD.,
DIVISIONAL OFFICE, P.B.NO.533,
WHITE LINE BUILDING, KALLAI ROAD,
KOZHIKODE - 673 006.**

R3 BY ADV. SRI.K.SANDESH RAJA

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

mbr/

P.B. SURESH KUMAR, J.

M.A.C.A. No.812 of 2011

Dated this the 2nd day of February, 2015

J U D G M E N T

The claimant in a proceedings for compensation before the Motor Accidents Claims Tribunal has come up in this appeal challenging the quantum of compensation granted to him.

2. The claimant is a mechanic. The accident took place on 23.11.2006. The claimant was aged 32 years at the time of accident. He sustained serious injuries in the accident including fracture of mandible, fracture of right maxilla, breakage of upper central incisor teeth etc. He claimed a sum of Rs.1,00,000/- by way of compensation in the proceedings.

3. The Tribunal, on an evaluation of the materials on record, found that the claimant is entitled to only a sum of ₹46,893/- by way of compensation, including a sum of ₹29,643/- granted to him by way of reimbursement of the medical expenses incurred by him. Since the vehicle involved in the accident was covered by a valid Insurance Policy at the time of the accident, the

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insurer was directed to satisfy the award. The claimant is aggrieved by the quantum of compensation determined by the Tribunal and hence this appeal.

4. Ext.A2 is the copy of the wound certificate. It is seen from Ext.A2 that the claimant had sustained fracture of mandible, fracture of right maxilla, breakage of upper central incisor teeth and multiple teeth avulsion. Ext.A3 is the discharge summary issued to the claimant from Baby Memorial Hospital, Calicut which indicates that the claimant was admitted and treated in that hospital from 23.11.2006 to 29.11.2006. The fact that the claimant is a mechanic is not seen disputed. Only a sum of ₹2,000/- is seen granted to him by way of compensation towards loss of earnings. In the light of the injuries sustained by him as referred above, according to me, he is entitled to compensation for loss of earning at least for a period of three months at the rate of ₹4,500/- per month. He is, therefore, entitled to a further sum of ₹11500/- towards compensation for loss of earnings. It is

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seen that the claimant is granted only a sum of ₹750/- towards loss of amenities and enjoyments in life. According to me, in the light of the injuries sustained by him as referred to above and the treatment undergone by him, the claimant is entitled to a further sum of ₹14,250/- towards compensation for loss of amenities and enjoyments in life. For pain and sufferings, the claimant is granted only a sum of ₹13,000/-. According to me, the claimant is entitled to a further sum of ₹7,000/- towards compensation for pain and sufferings. Thus, the claimant is entitled to a further sum of ₹32,750/- (Rupees thirty two thousand seven hundred and fifty only) towards compensation.

In the result, the appeal is allowed in part and the impugned award is modified granting a further sum of ₹ 32,750/-, (Rupees thirty two thousand seven hundred and fifty only) to the claimant by way of compensation. Needless to say, the claimant is entitled to interest also for the enhanced compensation at the same rate at which

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the interest was granted by the Tribunal, except for the period of delay in filing the appeal as ordered in C.M.Appln.No.1282 of 2011, dated 2.2.2015.

Sd/-
P.B. SURESH KUMAR
JUDGE

NS