

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

MACA.No. 1408 of 2015 ()

**OP(MV) NO. 681/2010 OF IST ADDL.MOTOR ACCIDENTS CLAIMS TRIBUNAL/
IST ADDL. DISTRICT COURT, KOZHIKODE DATED 01-03-2011**

APPELLANT/PETITIONER :

**JAYALAKSHMI
W/O.T.P.JAYAPALAN, AGED 47 YEARS
JASMIN HOUSE, BHATT ROAD
P.O. WEST HILL, KOZHIKODE - 673 005.**

BY ADV. SMT. K.V. RASHMI

RESPONDENT/3RD RESPONDENT :

**THE NEW INDIA ASSURANCE CO. LTD.,
SILVER PLAZA, I.G.ROAD, KOZHIKODE - 673 004
REPRESENTED BY ITS MANAGER.**

**BY ADV. SMT. T.C.SOWMIAVATHY
BY STANDING COUNSEL SRI.A.A.ZIYAD RAHMAN**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

P.B.SURESH KUMAR, J.

M.A.C.A.No.1408 of 2015

Dated this the 4th day of August, 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 accident took place on 27.1.2010. The claimant was aged 42 years at the time of accident. A sum of Rs.30,000/- 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.6000/- and accordingly, an award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance policy 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.A2 is the wound certificate issued to the claimant from the Baby Memorial Hospital, Kozhikode. Ext.A3 is the discharge summary issued to the claimant from the said hospital. The Tribunal found from Exts.A2 and A3 that the claimant sustained a lacerated wound over the scalp. A copy of Ext.A3 which was made available to me indicates that the claimant was admitted in the hospital on account of the said injury and was discharged from the hospital only after two days. The claimant had produced medical bills for Rs.1,970/-. Despite the aforesaid circumstances, the Tribunal has granted only a consolidated sum of Rs.6,000/- to the claimant towards compensation including the reimbursement of the medical bills produced by her. In so far as the claimant has sustained a head injury and since she was admitted in the hospital for two days, I

am of the view that a consolidated compensation of Rs.12,000/- would have been the just compensation payable to her. Thus, the claimant is entitled to a further sum of Rs.6000/- towards compensation.

5. In the result, the appeal is allowed in part. The compensation granted by the Tribunal is modified granting a further sum of Rs.6000/- to the claimant by way of compensation. Needless to say, the claimant will be entitled to interest also for the enhanced compensation at the same rate at which the interest was awarded by the Tribunal for the compensation granted, except for the period of delay in filing the appeal, viz., 1444 days as ordered in C.M.Application No.1568 of 2015.

P.B.SURESH KUMAR, JUDGE.

smm