

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 6TH DAY OF JULY 2015/15TH ASHADHA, 1937

MACA.No. 1785 of 2015 ()

OPMV 1382/2005 of ADDL.M.A.C.T., TRICHUR

APPELLANT(S)/PETITIONER:

THARA AGED 34 YEARS
W/O.BYJU, CHIRAMMEL HOUSE, KORANADY DESOM
VARANDARAPPALLY P.O., THRISSUR -680 303.

BY ADVS.SRI.RAAJESH S.SUBRAHMANIAN
SRI.V.R.RAJESH

RESPONDENT(S)/RESPONDENTS:

1. P.R.DASAN
X/303, AKARAPETTY BUILDING, SOUTH BAZAR
THRISSUR - 680 601.
2. RIJO
S/O.SUNNY, KAITHARATH HOUSE, MARIYAPURAM
ANCHERY P.O., THRISSUR - 680006.
3. UNITED INDIA INSURANCE CO.LTD
SIMI COMPLEX, KURUPPAN ROAD, THRISSUR - 680001.

R3 BY SRI.JOHN JOSEPH VETTIKAD

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 06-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.1785 of 2015

Dated 6th July, 2015

J U D G M E N T

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 is a coolie. The accident took place on 26.1.2005. The claimant was aged 24 years at the time of accident. The Tribunal, on an appraisal of the materials on record, found that the claimant is entitled to only a sum of Rs.4,578/- 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.A6 is the copy of the wound certificate produced by the claimant before the Tribunal. The Tribunal

found from the wound certificate that when she was brought to the hospital after the accident, swelling was found on her left wrist. There is nothing on record to indicate as to whether the claimant had sustained any injuries at all. Nevertheless, it is seen that the Tribunal has granted a sum of Rs.578/- towards medical expenses, a sum of Rs.2,000/- towards pain and sufferings, a sum of Rs.1,000/- towards loss of amenities and enjoyments in life and a sum of Rs.500/- towards damage to clothing and articles. The compensation granted by the Tribunal to the claimant on the facts and circumstances of this case, appears to be just and reasonable. There is, therefore, no merit in the appeal and the appeal is, accordingly, dismissed.

Sd/-

P.B.SURESH KUMAR, JUDGE.

tgs

(true copy)