

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

MACA.No. 2233 of 2013 (B)

**O.P.(MV)NO.922/2006 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,
THRISSUR**

APPELLANT/PETITIONER :-

**CHANDRA LIBEESH, AGED 33 YEARS,
S/O.CHANDRAN, KOLLAMKODE HOUSE,
P.O.KANNAMBRA,
PULINKOOTTAM, PALAKKAD,
NOW RESIDING AT C/O. PRABAKARAN,
PALAKKAPRAMBIL HOUSE,
THANIPADAM P.O., LAKSHAM VEEDU,
CHUVANNAMANNU, THRISSUR.**

**BY ADVS.SRI.C.HARIKUMAR
SMT.C.B.ANUROOPA
SRI.V.V.SADANANDAN
SMT.GOLDY XAVIER**

RESPONDENTS/RESPONDENTS :-

- 1. RASAQ, S/O. IBRAHIM,
VARIKUNNU HOUSE, AYAKKADU,
MANJAPRA P.O., ALATHUR,
PALAKKAD - 678 541.**
- 2. ARAVINDAKSHAN, S/O. M.KRISHNAN,
KOLENKODE HOUSE, VALAYIL,
MANJAPRA P.O., KANNAMBRA,
ALATHUR, PALAKKAD - 678 686.**
- 3. THE ORIENTAL INSURANCE CO. LTD.,
SHOBA TSM COMPLEX, RAILWAY STATION ROAD
PALAKKAD - 678 001.**

**R2 BY ADV. SRI.JOHN JOSEPH(ROY)
R3 BY ADV. SRI.R.AJITH KUMAR
R BY SRI.GEORGE CHERIAN**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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P.B.SURESH KUMAR, J

M.A.C.A.No.2233 of 2013

Dated this the 17th day of March, 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 25.08.2005. A sum of Rs.40,000/- 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.7,000/- 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.A14 is the wound certificate produced by the claimant. The Tribunal found that the claimant sustained a deep lacerated wound on the dorsum of his left ankle. The Tribunal also found that the claimant was treated as inpatient

in the hospital for a day. Claimant produced medical bills worth ₹1,281.50. It is in the said circumstance, the Tribunal had granted a consolidated amount of ₹7,000/- by way of compensation. In the nature of the injuries sustained by the claimant and the treatment undergone by him, I am of the view that the claimant is entitled to the following amounts by way of compensation:

<i>Sl.No.</i>	<i>Head</i>	<i>Amount</i>
1	Medical Expenses	₹1,281.00
2	Loss of amenities	₹2,000.00
3	Transportation expenses	₹500.00
4	Damage to clothes	₹500.00
5	Pain and suffering	₹5,000.00
6	Loss of amenities and enjoyment of life	₹2,000.00
7	Extra nourishment	₹1,000.00
	Total	₹12,281.00

5. As the Tribunal has granted a sum of Rs.7,000/- by way of compensation to the claimant, he is entitled to a further sum of Rs.5,281/- by way of compensation.

6. It is seen that interest has been granted by the Tribunal for the compensation awarded only at the rate of 7.5% per annum. It is now settled that the claimant in a proceedings of this nature is entitled to interest for the compensation awarded at the rate of 9% per annum.

In the result, the appeal is allowed in part. The

compensation granted by the Tribunal is modified granting a further sum of Rs.5,281/- to the claimant by way of compensation. Needless to say, the claimant will be entitled to interest for the whole amount of compensation at the rate of 9% per annum.

Sd/-

**P.B.SURESH KUMAR
JUDGE**

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P.A. TO JUDGE