

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. 2247 of 2013 (B)

**O.P.(MV)NO. 326/2012 OF PRINCIPAL MOTOR ACCIDENTS CLAIMS
TRIBUNAL, KOZHIKODE**

APPELLANT/PETITIONER :-

**AKHIL, AGED 20 YEARS,
S/O.UNNIKRISHNAN,
KALAKKANDY PARAMBA HOUSE,
GURUVAYOORPPAN COLLEGE POST,
KOZHIKODE - 673 014.**

**BY ADVS.SRI.R.SUDHISH
SMT.M.MANJU
SRI.K.R.RANJITH**

RESPONDENTS/RESPONDENTS :-

- 1. SHAHINA, 2/451,
NAMBEESANKANDY HOUSE,
KARAPARAMBA POST,
KOZHIKODE - 673 010.**
- 2. SAI KRISHNA,
S/O.GOPALAKRISHNAN,
ILLAM HOUSE, NAMBEESANKANDY,
KARAPARAMBA POST,
KOZHIKODE - 673 010.**
- 3. RELIANCE GENERAL INSURANCE COMPANY LTD.,
CITADEL COMPLEX, OPP.TAGORE CENTENARY HALL,
KOZHIKODE - 673 001.**

**R3 BY ADVS. SRI.GEORGE CHERIAN (SR.)
SMT.K.S.SANTHI
SMT.LATHA SUSAN 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.2247 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 claimant was a student. The accident took place on 06.06.2011. The claimant was aged 18 years at the time of accident. A sum of Rs.85,000/- 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.29,106/- 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.A2 is the wound certificate issued to the claimant by the doctor who has examined him immediately after the accident at Medical College Hospital, Kozhikode. The Tribunal found that the claimant sustained fracture of superior and inferior pubic ramus on the right side. He had also sustained a few other lacerated wounds. It is seen that for fracture, traction was applied and the lacerated wounds were sutured. The Tribunal found that the claimant had undergone inpatient treatment at the Medical College Hospital, Kozhikode for a period of 14 days.

5. Despite the injuries aforesaid, the Tribunal has granted only a sum of Rs.15,000/- towards compensation towards pain and sufferings. According to me, in the nature of the injuries sustained by the claimant, he is entitled to a further sum of Rs.5,000/- towards compensation for pain and sufferings. Towards compensation for loss of amenities and enjoyments in

life, the Tribunal granted only a sum of Rs.5,000/-. Since no compensation is awarded for continuing the disability sustained in the accident, I am of the view that the claimant has to be adequately compensated on this head. The claimant is therefore, entitled to a further sum of Rs.7,500/- towards loss of amenities and enjoyments in life. Towards bystander's expenses, the Tribunal has granted only a sum of Rs.2,250/-. Since the accident took place in the year 2011, I am of the view that the claimant is entitled to a further sum of Rs.1,500/- on that head. Only a sum of Rs.1,000/- is seen awarded towards extra nourishment. According to me, the claimant is entitled to a further sum of Rs.3,000/- on this head. Thus, the claimant is entitled to a further sum of Rs.17,000/-.

6. It is seen that interest has been granted by the Tribunal for the compensation awarded only at the rate of 7% 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.17,000/- 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