

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

MACA.No. 1199 of 2014 ()  
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(AGAINST THE AWARD IN OPMV 48/2012 of M.A.C.T., KOZHIKODE,  
DATED 09-04-2013).

APPELLANT/PETITIONER:-  
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MUHAMMED SHAFI  
S/O.HUSSAIN, VELIYAMMADATHIL HOUSE, VELIMANNA P.O.  
OMASSERY, KOZHIKODE 673 573.

BY ADVS.SRI.R.SUDHISH  
SMT.M.MANJU

RESPONDENTS/RESPONDENTS:-  
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1. NISAMUDHEEN C.K.  
S/O.YOUNUS P.C., P.C HOUSE, KAITHAKAD POST  
KASARAGOD DISTRICT - 671 313.

2. SHAFEEQ A.K.,  
S/O.ABDUL RASHEED MOOLATH MANNIL HOUSE  
THAMARASSERY P.O., KOZHIKODE - 673 573.

3. M/S.UNITED INDIA INSURANCE COMPANY LTD.,  
WHITE LINE BUILDING, KALLAI ROAD, KOZHIKODE - 673 001.

R3 BY ADV. SMT.K.C.BEENA  
R BY SRI.JOHN JOSEPH VETTIKAD

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR  
ADMISSION ON 19-01-2015, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

Kvs/-

**P.B.SURESH KUMAR, J.**

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M.A.C.A.No.1199 of 2014.  
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Dated this the 19<sup>th</sup> day of January, 2015.

**J U D G M E N T**

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

2. The claimant was a student aged 19 years at the time of accident. The accident took place on 13.5.2011. According to him, he sustained serious injuries in the accident including a perianal injury and a lacerated wound towards ischiorectal fossa. It is stated in the petition that the claimant was treated as in-patient at Medical College Hospital, Kozhikode from 13.5.2011 to 22.5.2011. He claimed a sum of Rs.50,000/- by way of compensation in the proceeding. The Tribunal, on appraisal of materials on record, granted only a sum of Rs.19,174/- by way of compensation and hence this appeal.

3. Heard the learned counsel for the appellant/claimant as also the learned counsel for the third respondent/insurer.

4. Ext.A2 discharge card issued to the claimant from the Medical College Hospital, Kozhikode indicates that the claimant had sustained in the accident, a perianal injury, which is a soft issue injury. Ext.A2 also indicates that he sustained a lacerated wound of 8x10x4 cm. towards ischiorectal fossa. Ext.A2 further indicates that the claimant had underwent a surgery on 13.5.2011 in connection with the lacerated wound sustained by him. It is seen from Ext.A2 that the claimant was admitted and treated at the Medical College Hospital, Kozhikode from 13.5.2011 to 22.5.2011. Despite the aforesaid injuries and the treatment, the Tribunal had granted only a sum of Rs.10,000/- to the claimant by way of compensation for the pain and sufferings. I am of the view that the appellant is entitled to some more amount by way of compensation for the pain and sufferings. It is seen that the claim in the

application for compensation was only Rs.15,000/- for the pain and sufferings. Nevertheless, taking into account the total claim made in the application, I fix the compensation payable to the claimant for pain and sufferings at Rs.20,000/-. Likewise, the Tribunal had granted only a sum of Rs.3,000/- to the claimant towards compensation for loss of amenities and enjoyment in life. Here also, the claim made in the application for compensation was only Rs.10,000/-. As done in the case of compensation payable to the claimant towards pain and sufferings, taking into account the total claim made in the application, I fix the compensation payable to the claimant for loss of amenities and enjoyment in life at Rs.13,000/-. Thus, the claimant is entitled to a further sum of Rs.20,000/- by way of compensation.

In the result, this appeal is allowed in part and the award passed by the Tribunal is modified granting a further sum of Rs.20,000/- to the claimant by way of compensation. Needless to say that the claimant is entitled to get interest

**M.A.C.A.No.1199/2014.**

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also for the additional compensation granted to him at the same rate at which interest was granted for the compensation already granted.

**Sd/-  
P.B.SURESH KUMAR,  
(Judge)**

**Kvs/-**

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**PA TO JUDGE.**