

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

MACA.No. 2531 of 2015

**AGAINST THE AWARD DATED 26-02-2007 IN OPMV 1702/2002 OF PRINCIPAL MOTOR
ACCIDENT CLAIM TRIBUNAL, KOZHIKODE**
.....

APPELLANT(S)/PETITIONER:

**BALAKRISHNAN, AGED 63 YEARS,
METHALVEETTERI HOUSE, EDAKKAD POST,
GANAPATHIKAVU (NEAR) KOZHIKODE.**

**BY ADVS.SRI.JIJI THOMAS
SMT.SMITHA MATHEW
SRI.P.R.ASHOK KUMAR**

RESPONDENT(S)/RESPONDENTS:

- 1. N.JASMIN, AGED 43 YEARS, W/O.ABDULLAKUTTY,
ALJASS HOUSE, KOYILANDY POST, PATHALAYANI AMSOM DESAM,
KOZHIKODE - 673 001.**
- 2. THE ORIENTAL INSURANCE CO. LTD.,
BRANCH OFFICE, KINGS WAY BUILDING,
MAVOOR ROAD JUNCTION, KOZHIKODE - 673 001.**

**R2 BY ADVS. SRI.RAJESH THOMAS
SMT.K.S.SANTHI**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

msv/

P.B.SURESH KUMAR, J.

= = = = =

M.A.C.A.No.2531 of 2015.

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Dated this the 27th day of October, 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 was a Cook. He was aged 55 years at the time of accident. The accident took place on 12.3.2002. A sum of Rs.20,000/- 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.6,200/- 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 second respondent, the insurer.

4. The claimant sustained a lacerated wound of 1.5 cm. on his right elbow. Ext.A2 is the wound certificate. A few abrasions and contusions are also seen noted in Ext.A2, as sustained by the claimant in the accident. On an overall appraisal of the materials on record, the Tribunal has granted a sum of Rs.1,500/- towards medical expenses, a sum of Rs.5,000/- towards pain and sufferings, a sum of Rs.500/- towards transportation and another sum of Rs.750/- towards loss of income. Having regard to the injuries sustained by the claimant, I do not think that the compensation granted by the Tribunal is inadequate in any manner, especially since the accident took place in the year 2002. There is, therefore, no merits in the appeal and it is accordingly dismissed.

**Sd/-
P.B.SURESH KUMAR,
JUDGE.**

Kvs/-

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PA TO JUDGE.