

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 3RD DAY OF AUGUST 2015/12TH SRAVANA, 1937

MACA.No. 2420 of 2013 ()

**(AGAINST THE AWARD IN OP(MV).NO. 1065/2011 OF PRINCIPAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, KOZHIKODE DATED 27-08-2012)**

APPELLANT/PETITIONER:

**JASIL M.K., S/O. ABOO, AGED 19 YEARS,
RESIDING AT THOUFEEQUE MANZIL,
VALAYIL AMSOM, KUTTICHIRA, PARAPPIL DESOM,
KOZHIKODE.**

**BY ADVS.SRI.V.S.CHANDRASEKHARAN
SRI.M.V.DAS
SMT.LEKSHMI SWAMINATHAN**

RESPONDENT(S)/RESPONDENTS :

- 1. MANI @ MANI C.MOHAN, AGED 23 YEARS,
RESIDING AT 5/1590 MONTHALA (H), P.O.ASOKAPURAM,
ST. VINCENT COLONY, KOZHIKODE-673 001.**
- 2. THE NATIONAL INSURANCE COMPANY LIMITED,
DIVISIONAL OFFICE, NOOR COMPLEX, MAVOOR ROAD,
KOZHIKODE-673 006.**

**R2 BY ADV. SRI.RAJAN P.KALİYATH
SRI.M.A.GEORGE**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 03-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

P.B.SURESH KUMAR, J.

M.A.C.A.No.2420 of 2013

Dated this the 3rd day of August, 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 is a student cum tuition teacher. He was aged 19 years at the time of the accident. The accident took place on 4.1.2011. A sum of Rs.1,00,000/- was claimed in the claim 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.18,328/- towards compensation and accordingly, an

award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance policy, the insurer of the vehicle 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 produced by the claimant. Ext.A2 indicates that the claimant sustained various injuries including fracture of tibial spine in the accident. Ext.A2 does not indicate that the claimant had undergone inpatient treatment in any hospital.

5. Despite the injuries aforesaid, only a sum of Rs.500/- is seen granted by way of compensation by the Tribunal to the claimant towards extra nourishment. On an evaluation of the materials on record, I deem it appropriate to grant to the claimant a further sum of Rs.2,000/- towards extra nourishment. Further, despite the injuries aforesaid, only a sum of Rs.3,000/- is seen granted by the Tribunal to

the claimant towards loss of amenities and enjoyments in life. According to me, having regard to the nature of injuries sustained by the claimant, he is entitled to a further sum of Rs.5,000/- on that head. Again, only a sum of Rs.10,000/- is seen granted to the claimant towards pain and sufferings. Having regard to the facts and circumstances of the case, the compensation granted to the claimant towards pain and sufferings is liable to be revised to Rs.12,000/-. Thus, the claimant is entitled to a further sum of Rs.9,000/- towards compensation.

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.9,000/- 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 except for the period of delay in filing the appeal as ordered in C.M.Application No.3000 of 2013.

P.B.SURESH KUMAR, JUDGE.

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