

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

MACA.No. 1375 of 2014

O.P.(MV)NO.1719/2012 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE

APPELLANT(S)/PETITIONER :

**SUSHAMA M., AGED 48 YEARS,
W/O.SIVANANDAN, "PARVATHI", KUNNUMPARAMBATH KARUMBAYIL,
HOUSE NO.28/3576, KACHILATTU, KUTHIRAVATTAM P.O.,
KOZHIKODE.**

**BY ADVS.SRI.P.S.SREEDHARAN PILLAI
SRI.T.K.SANDEEP
SRI.ARJUN SREEDHAR
SRI.ARUN KRISHNA DHAN**

RESPONDENT(S)/RESPONDENTS :

- 1. SABIYULLA.M.D.,
S/O.ABDUL KHAREEM, 13/279, KADAVATH VALAPPIL HOUSE,
CHIRAKKAL, KANNUR -670 104.**
- 2. RASHID K.M.,
S/O.HAMZA, KOLILAKATH HOUSE, NEAR COCHI PALLI,
KANNUR DISTRICT - 670 003.**
- 3. SHRIRAM GENERAL INSURANCE COMPANY LTD.,
2ND FLOOR, TRIDENT COMPLEX, CHEROOTTY ROAD,
CALICUT - 673 001.**

**R1 BY ADVS. SRI.P.BHARATHAN
SRI.GEORGE MATHEWS
R3 BY ADV. SRI.P.JACOB MATHEW**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 04-08-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

M.A.C.A.No.1375 of 2014

Dated this the 4th 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 tailor. The accident took place on 18.6.2012. The claimant was aged 48 years at the time of accident. A sum of Rs.1,00,000/- 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.21,000/- and accordingly, an award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance

policy, 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. The claimant lost two lateral incisors and sustained fracture of two other teeth in the accident. Having regard to the injury sustained by her, though the Tribunal found it fit to grant loss of earnings to the claimant for a period of one month, only a sum of Rs.3,000/- was granted to the claimant on that head. Since the accident took place in the year 2012, the monthly income of the claimant should have been reckoned by the Tribunal at Rs.6,000/-. The claimant is, therefore, entitled to a further sum of Rs.3,000/- on that head. No compensation is seen granted to the claimant towards extra nourishment. Having regard to the facts and circumstances of the case, the claimant is entitled to a sum of Rs.2,000/- towards extra nourishment also. Though the claimant was granted a sum

of Rs.12,000/- towards pain and suffering, only a sum of Rs.5,000/- is seen granted towards loss of amenities and enjoyments in life. Having regard to the fact that the claimant had lost two teeth and sustained fracture of two other teeth in the accident, I am of the view that claimant is entitled to a sum of Rs.10,000/- towards loss of amenities and enjoyments in life also. The claimant is, therefore, entitled to a further sum of Rs.5,000/- on that head. Thus, the claimant is entitled to a further sum of Rs.10,000/- towards compensation.

5. It is seen that interest has been granted by the Tribunal for the compensation awarded only at the rate of 8% 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.10,000/- 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.

P.B.SURESH KUMAR, JUDGE.

smm