

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

MACA.No. 2652 of 2015

O.P.(M.V)NO.958/2013 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL, KOLLAM

APPELLANT(S)/PETITIONER :

**RAJU, AGED 46 YEARS,
S/O.SANKARAN, PARAVILA COLONY, KALAKKODE,
POOTHAKKULAM.**

**BY ADVS.SRI.PRATHEESH.P
SMT.S.SEETHA
SMT.RENY ANTO**

RESPONDENT(S)/3RD RESPONDENT :

**THE DIVISIONAL MANAGER,
THE ORIENTAL INSURANCE CO.LTD.,
KOLLAM-691 001.**

BYADV. SMT.K.S.SANTHI

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

P.B.SURESH KUMAR, J.

M.A.C.A.No.2652 of 2015

Dated this the 5th day of October, 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 mason. The accident took place on 3.10.2011. The claimant was aged 42 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.44,462/- 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 appellant as also the learned counsel for the insurer.

4. The injuries sustained by the claimant as noticed in Ext.A7 wound certificate read thus:

“Pain and tenderness left side of chest and left clavicle region.

Fracture left 2nd, 6th and 7th ribs.

Fracture clavicle left.”

The Tribunal found that the claimant had undergone inpatient treatment in the hospital for eight days.

5. The Tribunal granted compensation to the claimant for loss of earnings for a period of two months reckoning his monthly income at Rs.6,000/-. In so far as the claimant is a mason, having regard to the injuries sustained by him as noticed above, I am of the view that the claimant should have been granted compensation for loss of earnings at least for a period of four months. The

claimant is, therefore, entitled to a further sum of Rs.12,000/- on that head. The compensation granted to the claimant on all other heads appears to be just and reasonable.

In the result, the appeal is allowed in part. The compensation granted by the Tribunal is modified granting a further sum of Rs.12,000/- to the claimant by way of compensation. Needless to say, the claimant will be entitled to interest also for the enhanced compensation at the same rate at which the interest was awarded by the Tribunal for the compensation granted.

P.B.SURESH KUMAR, JUDGE.

smm