

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR**

**THURSDAY, THE 6TH DAY OF AUGUST 2015/15TH SRAVANA, 1937**

**MACA.No. 895 of 2010**  
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**O.P(MV)NO.980/2007 OF PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL,  
KOZHIKODE**  
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**APPELLANT(S)/CLAIMANT :**  
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**ANOOP, S/O.RAVEENDRAN, AGED 35 YEARS,  
VAISHNAVAM, KALLUVEETIL PARAMBU HOUSE,  
CHEVAYUR P.O., KOZHIKODE.**

**BY ADV. SMT.K.V.RESHMI**

**RESPONDENT(S)/RESPONDENTS :**  
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- 1. MANI K., S/O.LAURANCE, AGED 56 YEARS,  
CHERIYAPALAM HOUSE, P.O.PUTHIYARA,  
KOZHIKODE DISTRICT.**
- 2. ORIENTAL INSURANCE CO. LTD.,  
DIVISIONAL OFFICE, SEEMA BUILDING, G.H.ROAD,  
KOZHIKODE.**

**R2 BY ADV. SRI.RAJESH THOMAS**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY  
HEARD ON 06-08-2015, THE COURT ON THE SAME DAY DELIVERED  
THE FOLLOWING:**

Msd.

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

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**M.A.C.A.No.895 of 2010**

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**Dated this the 6<sup>th</sup> 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 an electrician. The accident took place on 24.02.2007. The claimant was aged 33 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.43,887/- 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 sustained various injuries including a fracture of the right ulna, a ligament injury at the right knee and a lacerated wound on the left pinna. The Tribunal found that the claimant was admitted and treated as inpatient in the hospital for 5 days. The Tribunal also found that in the course of treatment, the claimant had undergone a surgical procedure on 25.2.2007.

5. No compensation is seen granted by the Tribunal to the claimant towards extra nourishment. Considering the nature of injuries sustained by the claimant and the treatment undergone by him, I am of the view that the claimant is entitled to a sum of Rs.2,500/- towards compensation for extra nourishment. It is seen that a sum

of Rs.18,000/- is granted towards pain and sufferings. According to me, a sum of Rs.20,000/- would have been the just compensation payable to the claimant on that head. Therefore, the claimant is granted a further sum of Rs.2,000/- on that head. Towards loss of amenities and enjoyments in life, only a sum of Rs.1500/- is seen granted by the Tribunal. As noticed above, the claimant is an electrician. He sustained a fracture of his right ulna in the accident. In the said circumstances, in so far as the claimant has not been granted any compensation for continuing permanent disability, according to me, he is entitled to be compensated adequately for loss of amenities and enjoyments in life. The compensation granted to the claimant towards loss of amenities and enjoyments in life, in the circumstance is also liable to be revised to Rs.10,000/-. Therefore, the claimant is entitled to a further sum of Rs.8,500/- on that head. Thus, the claimant is entitled to a further sum of Rs.13,000/- towards compensation.

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.13,000/- 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