

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

MACA.No. 1690 of 2009 ()

AGAINST THE AWARD IN OPMV 2347/2003 ON THE FILE OF THE MOTOR
ACCIDENTS CLAIMS TRIBUNAL, KOZHIKODE DATED 12-02-2008

APPELLANT/PETITIONER:

PREMA K.N., W/O. CHANDRADAS, KANDOTH
HOUSE, THIRUVANGOOR POST, CHEMENCHERI
KOZHIKODE.

BY ADV. SRI.V.KRISHNA MENON

RESPONDENTS/RESPONDENTS :

1. YOOSUF N.P., S/O. MOOSA, NEDUNGATTUPURATH
HOUSE, VENGALAM KOYILANDY, KOZHIKODE.

2. NANDAKUMAR P, S/O. GANGADHARAN NAIR,
PUTHIYAPURAYIL HOUSE, BILATHIKULAM, KOZHIKODE.

3. THE DIVISIONAL MANAGER,
M/S UNITED INDIA INSURANCE CO. LTD., KOZHIKODE.

R,R3 BY ADV. SMT.D.GEETHA

R,R3 BY ADV. SMT.K.SHERIN MOHAN

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR
ADMISSION ON 06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

AL/-

**T.R.RAMACHANDRAN NAIR &
P.V.ASHA, JJ.,**

M.A.C.A. No.1690 of 2009

Dated this the 6th day of February 2015

JUDGMENT

Asha, J.,

The appellant is the injured in a motor vehicle accident which occurred on 10.6.2003. She was travelling in a bus and bus met with an accident. She sustained injuries including fracture of fibula and was admitted in the Taluk Hospital, Koyilandy. After inpatient treatment for a period of three days, she was discharged on 13.6.2003.

2. The claim petition was filed seeking compensation to the tune of Rs. 3 lakhs. The Tribunal awarded a sum of Rs. 6,750/- with interest at 7.5% p.a. This appeal is filed seeking enhancement of compensation.

3. We heard learned counsel on both sides.

4. It is seen that the appellant sustained fracture on her leg on account of the accident. It is quite natural that the fracture of fibula would have caused very severe pain, apart from the discomfort and inconveniences atleast for a period of two months. But the Tribunal without considering these aspects, limited the

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award to an amount of Rs. 6750/-. Therefore having regard to the nature of injuries sustained to a young lady and the discomforts on account of the same, we award a sum of Rs. 20,000/- towards pain and suffering in addition to the award already granted by the Tribunal. It is obvious that appellant had to meet incidental expenses like medicine, extra nourishment, assistance of others, etc, during the period of treatment and compulsory rest on account of the injuries sustained in the accident. Therefore, we award a sum of Rs. 5,000/- towards incidental expenses.

5. Thus appellant will be entitled to a total compensation of Rs. 31,750/-. Accordingly, the award passed by the Tribunal is modified.

6. The Insurance Company shall deposit the amount less the amount already deposited within a period of three months, along with interest @7.5% per annum on the enhanced amount.

The appeal is allowed accordingly.

Sd/-

T.R.RAMACHANDRAN NAIR
(JUDGE)

Sd/-

P.V.ASHA
(JUDGE)

AL/-

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True copy

P.A to Judge