

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&

THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

MACA.No. 661 of 2008 ()

AGAINST THE AWARD IN OPMV 889/2004 of M.A.C.T OTTAPPALAM DATED
30-01-2007

APPELLANT/3rd RESPONDENT

THE NATIONAL INSURANCE CO. LTD.
REPRESENTED BY ITS REGIONAL MANAGER, REGIONAL OFFICE
OMANA BLDG, M.G.ROAD, ERNAKULAM
KOCHI-35

BY ADV. SRI.GEORGE CHERIAN (THIRUVALLA)

RESPONDENT/CLAIMANT:

KUNHILAKSHMI, W/O BALAJI
REJANI NIVAS, THEZHEKKODE
KARIMBUZHA AND NOW AT NANDINI VIHAR, MELEPATTAMBI
(OTTAPALAM)

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 12-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

M.A.C.A.No.661 OF 2008

Dated this the 12th day of June, 2015

JUDGMENT

Jyothindranath, J.

This appeal is preferred by the Insurance Company being aggrieved by the quantum of compensation awarded by the Tribunal in O.P.(MV) No.889/2004, on the file of the Motor Accidents Claims Tribunal, Ottapalam.

2. The main grievance of the appellant is that the total compensation awarded is disproportionate and exorbitant. It is also the submission that there is only a fracture on the forearm. A disability of 15% considered by the Tribunal to award compensation.

3. We heard the learned counsel on both sides.

4. We have gone through the award. It is seen that the total claim is Rs.2 lakhs. The claimant was aged 50 years and was an Attendant earning Rs.4,000/- per month. He sustained injuries in a motor vehicle accident which occurred on 11.8.2003. Going through

the wound certificate, which is marked as Ext.A6 before the Tribunal, it can be seen that he sustained both bone fracture. The procedures underwent are open reduction and internal fixation using plate and screws. Bone grafting was also done and the bone was taken from the upper end of left tibia. The claimant was admitted in the hospital on 11.8.2003 and was discharged only on 18.8.2003. The Tribunal awarded only ₹ 48,840/- towards compensation.

After going through the records and evidence in this case, it is found that the total compensation awarded is not excessive or exorbitant. Hence interference by this Court is not warranted and the appeal is dismissed

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.

