

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

MACA.No. 1630 of 2010 ()

AGAINST THE AWARD IN OPMV 1344/2005 of MACT,
IRINJALAKUDA, DATED 30-03-2010.

APPELLANT/PETITIONER:-

KRISHNADAS.V.MOOTHEDAN, S/O. VELAYUDHAN,
MOOTHEDAN HOUSE, PAMPOOTHARA DESOM
KALUR-VADAKKUMMURI VILLAGE, ANANADU.P.O.
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.P.V.BABY
SRI.A.N.SANTHOSH

RESPONDENTS/RESPONDENTS:-

1. KUNJUMOHAMMED, S/O.ABOOBACKER,
PADINJARANKUNNATH HOUSE, KANATTUKARA
THRISSUR DISTRICT-680011.

2. MUSTAFA, S/O. ABOOBACKER,
PADINJARAKUNNATH HOUSE, 21/518, KANATTUKARA
THRISSUR DISTRICT-680011.

3. THE ORIENTAL INSURANCE CO. LTD.,
3RD FLOOR, MAHESWARI BUILDINGS, M.G.ROAD
THRISSUR-680001.

R3 BY ADV. SRI.P.V.JYOTHI PRASAD

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 09-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kvs/-

P.B.SURESH KUMAR, J.

M.A.C.A.No.1630 of 2010.

Dated this the 9th day of March, 2015.

J U D G M E N T

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 was a Diploma student at the time of accident on 30.1.2005. He was aged 24 years. 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.26,900/- and accordingly, an award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance policy at the time of accident, 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. Ext.A3 is the wound certificate issued to the claimant from the Elite Mission Hospital, Thrissur. Ext.A4 is the discharge summary issued from the said hospital. The Tribunal noticed that the claimant sustained a head injury, a lacerated wound of 6 cm. above the right eyebrow with flap avulsion and another lacerated wound with flap avulsion over the right cheek. The Tribunal also noticed that as part of the treatment, the wounds were sutured under local anesthesia. The Tribunal further noticed that the claimant had undergone inpatient treatment in the hospital for four days. The Tribunal also noticed that the claimant was under continuous treatment even after the discharge from the hospital.

5. Towards compensation for pain and sufferings, the Tribunal had granted only a sum of Rs.10,000/-. In the nature of the injuries sustained by the claimant, I am of the view that the claimant is entitled to a further sum of

Rs.5,000/- on that head. Towards loss of amenities and conveniences, only a sum of Rs.4,000/- had been granted by the Tribunal. Considering the continued disability, the claimant is entitled to a further sum of Rs.6,000/- on that head. No compensation is granted by the Tribunal towards extra nourishment. In the nature of the injuries sustained and the treatment undergone by the claimant, he is entitled to a sum of Rs.2,500/- towards extra nourishment. Thus, the claimant is entitled to a further sum of Rs.13,500/- towards compensation.

6. 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.13,500/- to the claimant by way of compensation. Needless to say, the claimant will be entitled

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to interest for the whole amount of compensation at the rate of 9% per annum.

Sd/-P.B.SURESH KUMAR, JUDGE.

Kvs/-

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PA TO JUDGE.