

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 20TH DAY OF FEBRUARY 2015/1ST PHALGUNA, 1936

MACA.No. 1687 of 2010 ()

AGAINST THE AWARD IN OPMV 768/2003 of M.A.C.T., THALASSERY
DATED 03-11-2009

APPELLANT(S)/PETITIONER:

UNNI KALLEN
S/O.NARAYANAN, KAKKADANCHAL, MATTOOL NORTH
KANNUR DISTRICT.

BY ADV. SRI.M.V.AMARESAN

RESPONDENT(S)/RESPONDENT NO.3:

UNITED INDIA INSURANCE CO.LTD.
PAYYANNUR, KANNUR.

BY SMT. R. REMA

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION
ON 20-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.A.No.1687 of 2010

Dated this the 20th February, 2015

JUDGMENT

Ramachandran Nair, J.

The claimant before the Tribunal is the appellant herein. He was injured in a motor vehicle accident on 17.7.2001. Before the Tribunal, an amount of Rs.1,10,000/- was claimed as compensation and the tribunal granted compensation in the following manner:

<i>Head of claim</i>	<i>Amount awarded by the Tribunal (Rs)</i>
Transport to hospital	500
Medical expenses	2900
Pain and suffering	3000
Compensation for loss of one tooth	3000
Total	9400

2. There is loss of tooth and the appellant had to undergo root canalization as evident from Ext.A6 certificate. The Doctor has charged Rs.1,512/- as seen from Exts.A5 and A6. The Tribunal has granted a sum of Rs.2,900/- towards medical expenses and Rs.3,000/- for pain and suffering. Towards loss of one tooth, a sum of Rs.3,000/- is granted. No

amount is granted for extra nourishment. Root canalization was done on 20.8.2001. It is clear that the appellant would have suffered much pain. Therefore, we grant a further amount of Rs.5,000/- towards compensation for pain and suffering and as compensation for loss of tooth, another amount of Rs.7,000/- is granted. Towards compensation for loss of amenities, we grant a sum of Rs.10000/-. Accordingly, the total compensation will be as follows:

<i>Head of claim</i>	<i>Amount awarded by the Tribunal (Rs)</i>	<i>Modified award passed by this Court (Rs)</i>
Transport to hospital	500	500
Medical expenses	2900	2900
Pain and suffering	3000	8000
Compensation for loss of one tooth	3000	10000
Loss of amenities		10000
Total		31400

(Rupees Thirtyone thousand and four hundred only)

The enhanced amount of compensation will carry interest at the rate of 9% per annum and the insurance company is directed to deposit the entire amount of compensation less the amount already deposited

before the Tribunal, within a period of three months.

The appeal is allowed as above. The parties shall bear their respective costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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