

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

MACA.No. 1908 of 2010 ()

AGAINST THE AWARD IN OPMV 910/2000 of D.C. & SESSIONS & MACT,
KALPETTA, DATED 08-08-2008

APPELLANT/PETITIONER:-

PRASAD K.S,
KUNNATH HOUSE, KARIAMPADY POST, SULTHANBATHERY TALUK
WAYANAD DISTRICT.

BY ADV. SRI.LALJI P.THOMAS

RESPONDENTS/RESPONDENTS:-

1. NARAYANAN M.
S/O.APPU, MUTTIYAMBATH HOUSE, MYLAMBADI PO
KRISHNAGIRI AMSOM, BATHERY TALUK
(OWNER-CUM-DRIVER OF MOTOR CYCLE KL 12A/1316)

2. THE ORIENTAL INSURANCE CO.LTD,
DIVISIONAL OFFICE, G.H.ROAD, KOZHIKODE
(INSURER OF KL-12A 1316 MOTOR CYCLE)

R2 BY ADV. SRI.A.R.GEORGE

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 18-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kvs/-

P.B.SURESH KUMAR, J.

M.A.C.A. No.1908 of 2010.

Dated this the 18th day of February, 2015.

J U D G M E N T

The claimant in an original 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 agriculturist. The accident took place on 3.2.1999. The claimant was aged 29 years at the time of accident. A sum of Rs.1,00,000/- was claimed in the original petition by way of compensation for the injuries sustained by the claimant. The Tribunal, on an appraisal of the materials on record, found that the claimant is entitled to only a sum of Rs.9,350/- by way of compensation 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.A9 is the wound certificate of the claimant. Ext.A10 is the treatment certificate of the claimant. The Tribunal noticed that the claimant sustained injuries on his knee joints and laceration on his left palm. The Tribunal also noticed that the claimant lost two teeth. He was hospitalised for two days in connection with the injuries sustained by him.

5. The Tribunal has though granted a sum of Rs.4000/- to the claimant by way of compensation for pain and sufferings, no compensation is seen granted towards loss of amenities and enjoyments in life. In the nature of injuries sustained by the claimant, I am of the view that the claimant is entitled a sum of Rs.5,000/- towards compensation for loss of amenities and enjoyments in life as well.

6. In the result, the appeal is allowed in part. The compensation granted by the Tribunal is modified granting a further sum of Rs.5,000/- to the claimant by way of compensation. Needless to say, the claimant will be entitled to interest also for the enhanced compensation at the same rate

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at which the interest was awarded by the Tribunal for the compensation granted.

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

kvs

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PA TO JUDGE.