

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

TUESDAY, THE 3RD DAY OF FEBRUARY 2015/14TH MAGHA, 1936

MACA.No. 2695 of 2014 ()

OPMV 953/2012 of M.A.C.T.,ERNAKULAM

APPELLANT(S)/PETITIONER:

KUMARI P.K, AGED 49 YEARS
W/O RAJAN, MELOTH MALAYIL HOUSE, KULAYETTIKKARA
KANJIRAMATTOM, ERNAKULAM

BY ADVS.SMT.K.V.BHADRA KUMARI
SRI.P.SAILESH SREEKUMAR

RESPONDENT/RESPONDENT NO.3 :

OORIENTAL INSURANCE COMPANY LTD,
THIRD PARTY CELL, METRO PALACE
ERNAKULAM NORTH KOCHI 18

BY ADV. DR.ELIZABETH VARKEY
BY SMT.K.S.SANTHI

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 03-02-
2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.B.SURESH KUMAR, J.

M.A.C.A. No.2695 of 2014

Dated 3rd February, 2015.

J U D G M E N T

The claimant in a proceedings for compensation before the Motor Accidents Claims Tribunal has come up in this appeal, challenging the quantum of compensation granted to her.

2. The claimant is a coolie. She was aged 49 years at the time of accident. She sustained injuries in the accident which took place on 4.11.2010. A sum of Rs.75,000/- was claimed by her by way of compensation in the proceedings. The Tribunal, on an appraisal of the materials on record, found that the claimant is entitled to Rs.25,000/- as compensation and accordingly, an award for the said amount was passed. As the vehicle was covered by a valid insurance policy issued by the respondent, the Tribunal had directed the insurer to satisfy the award. As noticed above, the claimant is aggrieved by the quantum of compensation granted to her and hence this appeal.

3. Heard the learned counsel for the appellant as also the learned counsel for the respondent.

4. Ext.A6 is the wound certificate of the claimant. Ext.A6 indicates that the claimant sustained abrasion on the left side of her forehead and on her right elbow. Laceration of both knees and forehead over left eyebrow was also noticed in Ext.A6. Ext.A3 is the final report submitted by the Police in the case registered in connection with the accident. In Ext.A3 final report, it is recited that four teeth of the claimant got loosened on account of the accident.

5. Towards loss of earnings, though a sum of Rs.25,000/- was claimed, the Tribunal had granted only a sum of Rs.2,000/-. Since the accident occurred in the year 2010, I am of the view that the claimant is entitled to a further sum of Rs.3,000/- towards loss of earnings for a period of one month, reckoning her monthly income at Rs.5,000/-. Towards compensation for pain and sufferings, the Tribunal had granted only a sum of Rs.5,000/-. In the nature of injuries sustained by the claimant, according to me, the claimant is entitled to a further sum of Rs.7,000/- as compensation towards pain and

sufferings. Likewise, towards compensation for loss of amenities and enjoyments in life, the claimant was granted only a sum of Rs.3,000/-. In the facts and circumstances of the case as indicated above, I am of the view that the claimant is entitled to a further sum of Rs.7,000/- towards compensation for loss of amenities and enjoyments in life, especially on account of the injuries sustained to the teeth of the claimant. Thus, the claimant is entitled to a further sum of Rs.17,000/- towards compensation.

In the result, the appeal is allowed in part. The compensation granted by the Tribunal is modified granting a further sum of Rs.17,000/- 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 at which the interest was awarded by the Tribunal for the compensation granted.

Sd/-

P.B.SURESH KUMAR, JUDGE.

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