

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 26TH DAY OF FEBRUARY 2015/7TH PHALGUNA, 1936

MACA.No. 2622 of 2009 ()

AGAINST THE AWARD IN OPMV 2609/2002 of M.A.C.T.,KOZHIKODE DATED 11-01-2008

APPELLANT(S)/CLAIMANTS:

RAJAN

C/O. SREEDHARAN, KUTTATHEYIL HOUSE, THIRUVANNUR
POST, KOZHIKODE.

BY ADV. SRI.V.N.RAMESAN NAMBISAN

RESPONDENT(S) :

1. MRS.NISHA.T.P
KOKKALLOOR POST, KOZHIKODE.

2. THE NATIONAL INSURANCE CO. LTD.
PARCO TOWER P.B.NO.207, P.M.TAJ ROAD, KOZHIKODE.

R,R2 BY ADV. SRI.P.JAYASANKAR

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION
ON 26-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

M.A.C.ANo.2622 of 2009

Dated this the 26th day of February, 2015

JUDGMENT

Asha, J.

The appellant is the injured in a motor vehicle accident which took place on 17.5.2002 when the autorickshaw in which he was travelling, capsized. He was immediately taken to Government Central Hospital, Balussery and thereafter to Medical College Hospital, Kozhikode.

2. The claim petition was filed seeking compensation to the tune of Rs.2 Lakhs. The Tribunal awarded a sum of Rs.7,000/- along with interest at the rate of 7.5% per annum. This appeal is filed seeking enhancement of compensation. Learned counsel for the appellant submits that the amount awarded by the Tribunal is thoroughly inadequate.

3. From the records available before the Tribunal, it is seen that the appellant sustained only minor injuries. However, he was admitted

in the hospital and underwent inpatient treatment for a period of five days. It is seen that even though fracture was suspected, no fracture was ultimately revealed. Even though the appellant has contended that there was pain and swelling on his left ankle on account of which he had consultation with Ortho on 10.8.2003, the Tribunal found that the accident had taken place one year back and the injury had no connection with the accident.

4. The Tribunal awarded a sum of Rs.7,000/-. We find that the appellant had undergone inpatient treatment for a period of five days and he was unable to do any job during the period of hospitalisation and at least for a period of two weeks thereafter. Having regard to the discomfort and inconvenience caused to the appellant on account of the injury, we award a sum of Rs.15,000/- towards compensation for pain and suffering, bystander's expenses as well as transportation charges.

5. Thus, the award passed by the Tribunal is enhanced to Rs.22,000/-. The enhanced amount will carry interest at the rate of 9% per annum with effect from the date of petition. 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 will bear their costs in the appeal.

(T.R. RAMACHANDRAN NAIR, JUDGE.)

(P.V. ASHA, JUDGE.)

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