

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

MONDAY, THE 5TH DAY OF OCTOBER 2015/13TH ASWINA, 1937

MACA.No. 2957 of 2014 ()

OPMV. NO.614/2011 OF ADDL. MOTOR ACCIDENTS CLAIMS TRIBUNAL, PALAKKAD.
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APPELLANT/PETITIONER:-

**P.R. VENKITARAMAN,
S/O.LATE P.N. RAMA IYER, AGED 74 YEARS,
ANUPAMA, NEW KALPATHY, PALAKKAD.**

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT/2ND RESPONDENT:-

**UNITED INDIA INSURANCE CO. LTD.,
DIVISIONAL OFFICE, MALABAR FORT,
GB ROAD, PALAKKAD, PIN - 678 001.**

**BY ADVS. SMT.K.C.BEENA,
SRI.JOHN JOSEPH VETTIKAD.**

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 05-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

P.B.SURESH KUMAR, J.

M.A.C.A.No.2957 of 2014

Dated this the 5th day of October, 2015

JUDGMENT

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 accident took place on 4.11.2010. The claimant was aged 74 years at the time of accident. A sum of Rs.50,000/- 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.22,200/- and accordingly, an award was passed for the said amount. As the vehicle involved in the accident was covered by a valid insurance policy, the insurer of the vehicle was directed to satisfy the award. The

claimant is aggrieved by the said award.

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

4. The Tribunal found from Ext.A3 wound certificate that the claimant sustained various injuries in the accident including a lacerated wound on the left eyebrow, oedema and a soft tissue injury on his neck. The Tribunal also found that the claimant had undergone inpatient treatment in the hospital for three days. It is seen that towards pain and sufferings, only a sum of Rs.6,000/- is seen granted by the Tribunal to the claimant. The claimant being a person aged 74 years, and having regard to the nature of injuries sustained by him, I am of the view that the claimant should have granted at least a sum of Rs.15,000/- by way of compensation towards pain and sufferings. Thus, the claimant is entitled to a further sum of Rs.9,000/- towards pain and sufferings. No compensation is

seen granted to the claimant towards loss of amenities and enjoyments in life. Having regard to the injuries sustained by him, the claimant is entitled to compensation for loss of amenities and enjoyments in life as well, which I fix at Rs.6,000/-. Thus, the claimant is entitled to a further sum of Rs.15,000/- 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.15,000/- 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.

P.B.SURESH KUMAR, JUDGE.

smm