

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR

&

THE HONOURABLE SMT. JUSTICE P.V.ASHA

WEDNESDAY, THE 11TH DAY OF MARCH 2015/20TH PHALGUNA, 1936

MACA.No. 1575 of 2008 ()

AGAINST THE AWARD IN OPMV 1380/2002 of PRINCIPAL M.A.C.T.,
KOZHIKODE DATED 23-10-2007

APPELLANT/PETITIONER IN OP (MV):-:

RIKA @ DIKA (MINOR), AGED 13 YEARS,
D.O.B/31.12.1995, REPRESENTED BY HER FATHER
AND LEGAL GUARDIAN, K.SIVAN, S/O SANKARAN
RESIDING AT KOLLASSERY HOUSE, P.O. THIRUVANNUR, MANARI
KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENT(S):RESPONDENTS IN O.P(MV)

*1. M.R. RAVICHANDRAN, AGE NOT KNOWN
RESIDING AT 48/1072A, PACHALAM, COCHI.(DELETED)

2. NATIONAL INSURANCE COMPANY
LIMITED, BRANCH OFFICE, AMBIKA ARCADE
M.G. ROAD, P.B. NO.89, THRISSUR.

(*R1 IS DELETED FROM THE PARTY ARRAY AS PER ORDER
DT.25.2.15 IN I.A.NO.672/2015 AT THE RISK OF THE APPELLANT)

R,R2 BY ADV. SRI.JOE KALLIATH

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 11-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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

M.A.C.A No.1575 of 2008

Dated this the 11th day of March, 2015

JUDGMENT

Asha, J.

The appellant is an injured in a motor vehicle accident which occurred on 08.11.1991. While she was walking along the side of the Kozhikode-Meenchantha road, a bus knocked her down. She was taken to Baby Memorial Hospital, Kozhikode.

2. The claim petition was filed seeking compensation to the tune of Rs.1,50,000/-. The Tribunal awarded a sum of Rs.4,885/-. This appeal is filed seeking enhancement in compensation. We heard the learned counsel appearing on either side.

3. It is seen that the appellant sustained injuries when she was aged 6 years. As per the wound certificate Ext.A1, the injury suffered by her is noted as "Fracture on occipital bone and abrasion left forearm". After one day's hospitalisation she was

discharged. No further evidence was seen placed before the Tribunal relating to the treatment undergone by her. The Tribunal has awarded a sum of Rs.2,000/- towards pain and suffering, Rs.250/- towards loss of amenities and Rs.500/- towards transportation.

4. Having regard to the shock and mental agony suffered by appellant at her tender age, on account of the accident and hospitalisation, we enhance the amount of compensation awarded under the head of pain and suffering to Rs.7,500/-. No other modification is found necessary in the facts and circumstances of this case.

Accordingly the appellant will be entitled to a total compensation of Rs.10,383/- which we round off to Rs.10,500/- (Rupees Ten thousand and five hundred only) and the enhanced amount will carry interest @9% per annum from the date of petition. The Insurance Company is directed to deposit the entire amount of compensation within a period of three months from the date of receipt of a copy of this judgment, less the amount already deposited before the Tribunal and on such deposit being made, the claimant can withdraw the amount.

The appeal is accordingly allowed. The parties will bear their respective costs in this appeal.

Sd/-
T.R.RAMACHANDRAN NAIR
Judge

Sd/-
P.VASHA
Judge

rtr/

/true copy/

P.S to Judge