

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE SMT. JUSTICE P.V.ASHA**

FRIDAY, THE 9TH DAY OF JANUARY 2015/19TH POUSHA, 1936

MACA.No. 1706 of 2008 ()

**AGAINST THE AWARD IN OPMV 1711/1999 of II ADDL. MOTOR ACCIDENT CLAIMS
TRIBUNAL, KOZHIKODE DATED 12-02-2008**

APPELLANT(S):

**ABOOBACKER
THEKKULLAKANDI HOUSE, PO.THALAYAD., VIA.
UNNIKULAM, KIDAVOOR AMSOM AND DESOM, KOZHIKODE.**

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENT(S):

- 1. JACOB FRANCIS
HOUSE , THAMARASSERY, KOZHIKODE**
- 2. HARIDAS, S/O.CHANDUKUTTY, 47 YEARS, (DELETED)
R/AT. ADIYARUKANDI HOUSE, PO.NALLALAM, KOZHIKODE.**

**RESPONDENT No.2 IS DELETED FROM THE PARTY ARRAY AT THE RISK OF
THE APPELLANT VIDE ORDER DTD.27.11.13 IN IA No.3104/13 IN MACA
1706/2008.)**

- 3. UNITED INDIA INSURANCE CO.LTD.,
BRANCH OFFICE, VELIMANNA BUILDING
THAMARASSERY. KOZHIKODE.**

R,R3 BY ADV. SMT.M.LALITHA NAIR

**THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 09-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

das

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

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M.A.C.A. No. 1706 of 2008

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Dated this the 9th day of January, 2015

JUDGMENT

This appeal is filed by the claimant in a motor accidents claim case. The accident occurred on 17.05.1999, while he was travelling on a motor cycle. The offending vehicle is a lorry which hit the motor cycle and he was thrown away from it.

2. A total amount of ₹ 4,000/- (Rupees four thousand only) has been awarded by the Tribunal, which is under challenge in this appeal.

3. Before the Tribunal, evidence was let in by the appellant and Exts.A1 to A8 have been produced. Ext.X1 is a disability certificate issued by the Medical College Hospital, Calicut.

4. Heard learned counsel on both sides. The main contention raised is that Ext.X1 was found not acceptable

by the Tribunal wrongly. We have gone through the award. The Tribunal, after reference to the details in Ext.X1 found that 30% disability has been assessed but the injuries sustained by the appellant were only minor injuries. He has not sustained any injuries on the head or eyes. In the light of the above, the assessment in Ext.X1 that the appellant is having optic atrophy was found totally doubtful.

5. Ext.A8 is the true copy of the accident register-cum-wound certificate, wherein the injury noted is lacerated wound 1 x 0.5 cm. right knee. In Ext.A2 the injuries noted are abrasion right knee and tenderness right 8th and 9th rib. The Tribunal also found that exhibits show nothing abnormal. The period of treatment is only for two days namely from 17.05.1999 to 19.05.1999.

6. The separate heads under which the amounts have been awarded have not been stated by the Tribunal. The amount awarded as ₹ 4,000/- is by taking all the

heads together. He would have been incurred at least some amount towards medical expenses. The bills produced are for the tune of ₹ 408/-. Nothing has been granted towards pain and suffering and other discomforts.

7. We award a further amount of ₹ 6,000/-(Rupees six thousand only) which will make the total award amount to ₹ 10,000/- (Rupees ten thousand only), which will carry the interest at the rate of 9% per annum from the date of petition.

Appeal is allowed as above. No costs.

Sd/-

T.R. RAMACHANDRAN NAIR
JUDGE

Sd/-

P.V. ASHA
JUDGE