

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE T.R.RAMACHANDRAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

FRIDAY, THE 5TH DAY OF JUNE 2015/15TH JYAISHTA, 1937

MACA.No. 2918 of 2008 ()

AGAINST THE AWARD IN OPMV 1215/2003 of PRINCIPAL M.A.C.T., KOZHIKODE
DATED 04-04-2008

APPELLANT/APPELLANT:

T.SIYAD ABDURAHIMAN
S/O.HASSAN, AGED 29 YEARS, RESIDING AT THONDIYIL
HOUSE, NEAR RAHMAN BAZAR, KOLATHARA POST
KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS/RESPONDENTS:

1. BICHU PATHUMMAY
W/O.ALIKUTTY, RESIDING AT CHENNIKKOTTU HOUSE, 13/722
BEYPORE POST, KOZHIKODE (DELETED)

2. FIROZKHAN,S/O. HAMEED, AGED 26 YEARS
KALATHIL PARAMBU HOUSE, NALLALAM POST, KOZHIKODE.
(DELETED)

3. THE UNITED INDIA INSURANCE CO.LTD
DIVISIONAL OFFICE NO.11, P.B.NO. 192, SEEMA TOWER
MAVOOR ROAD, KOZHIKODE.

* R1 AND R2 ARE DELETED FROM THE PARTY ARRAY AT THE RISK OF
THE APPELLANT AS PER ORDER DATED 26.2.2015 IN I.A.NO.677/2015

R3 BY ADV. SMT.T.C.SOWMIAVATHY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 05-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**T.R.RAMACHANDRAN NAIR &
K.P.JYOTHINDRANATH, JJ.**

M.A.C.A.No.2918 OF 2008

Dated this the 5th day of June, 2015

JUDGMENT

Ramachandran Nair, J.

This appeal by the claimant, mainly raises a complaint regarding the inadequacy of the compensation awarded by the Tribunal. The total compensation awarded by the Tribunal is only ₹10,000/-. The accident occurred on 20.3.2003. While the appellant was riding the motor cycle bearing Reg.No.KL-11-N-3231, it was hit by an auto rickshaw bearing Reg.No.KL-11-N-3251.

2. Ext.A1 is the copy of the FIR. Ext.A2 is the copy of the wound certificate issued by Koya's Hospital and Ext.A3 is the copy of the charge issued from City Traffic Police, Kozhikode.

3. Going by the wound certificate, he had sustained 3 lacerated wound, fracture of clavice and zygomatic maxillary and loss of edge of 4 teeth. The Tribunal was of the view that the appellant's non-appearance has prevented the Tribunal to verify various details and

accordingly granted an amount of ₹10,000/-.

4. In the facts and circumstances of the case, in addition to the amount granted by the Tribunal, we grant an amount of ₹ 15,000/- towards pain and suffering. Since it is seen that there is loss of edge of four teeth, we grant an additional amount of ₹ 10,000/- for future medical expenses. We also grant an amount of ₹.5,000/- towards loss of amenities. Accordingly, the total compensation will be ₹40,000/- . The enhanced compensation will carry interest @ 9% per annum from the date of petition. The Insurance Company will deposit the amount within three months and the appellant can withdraw the amount also.

The appeal is accordingly allowed. There will be no order as to costs.

T.R.RAMACHANDRAN NAIR, JUDGE

K.P.JYOTHINDRANATH,JUDGE

SV.