

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE C.T.RAVIKUMAR
&
THE HONOURABLE MR. JUSTICE K.P.JYOTHINDRANATH

TUESDAY, THE 6TH DAY OF OCTOBER 2015/14TH ASWINA, 1937

RP.No. 746 of 2015 () IN MACA.557/2010

(AGAINST THE JUDGMENT IN MACA 557/2010 of HIGH COURT OF KERALA DATED
05-06-2015)

REVIEW PETITIONER/APPELLANT/PETITIONER:

JASMINE NOUSHAD
MANTHOPPIL (H), PUTHENANGADI, VARANAN P.O
ALLEPPEY DISTRICT

BY ADV. SRI.VINOD VALLIKAPPAN

RESPONDENTS/RESPONDENTS/RESPONDENTS:

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1. K K NAZEER @ NAZARUDHEEN, RAHMATH MANZIL,
NORTH ARYAD, ALAPPUZHA, 688 005.
 2. UNITED INDIA INSURANCE CO. LTD., MULLACKAL,
ALAPPUZHA BRANCH,
REPRESENTED BY ITS BRANCH MANAGER, 688 001

R2 BY ADV.SMT.S.JAYASREE

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON
06-10-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**C.T.RAVIKUMAR &
K.P.JYOTHINDRANATH, JJ.**

R.P.No.746 of 2015 in
M.A.C.A.No.557 of 2010

Dated 6th October, 2015

ORDER

Jyothindranath, J.

This review petition is preferred aggrieved by the judgment of this Court dated 5.6.2015 in M.A.C.A.No.557 of 2010. The grievance of the review petitioner is that while judgment was delivered, this Court had not given due consideration to the fact that the petitioner herein sustained a head injury and in consequence of the same there was loss of sense of smell. It is also the case that even though a treatment certificate was marked before the Tribunal as Ext.A7, the said document was not called before this Court and perused the same. It is the case of the review petitioner that now, a copy of the said document is available with the petitioner which can be perused by the court. It is the grievance that the gravity of the injury sustained as well as the fact that the petitioner lost the sense of smell are not given due consideration by the court.

2. We heard the review petitioner in this case.

3. Originally, the Tribunal awarded ₹ 32,112/- as compensation.

The accident occurred in the year 2003 that is, on 29.9.2003 at

10.10 a.m. While hearing the M.A.C.A this Court considered the fact that there was loss of sense of smell. After perusing the impugned award this Court found that the compensation awarded on the heads of 'pain and suffering' as well as 'loss of amenities' are on a lower side. Considering all these aspects as just compensation ₹ 42,112/- awarded by this Court surely, with interest from the date of petition. Even though the petitioner got a case that this Court has not considered the loss of amenities, it can be seen that due consideration is given on the aspect of loss of amenities and an enhancement is given. Under such circumstances, there is no merit in this review petition. Hence not admitted, dismissed. No costs.

Sd/-
C.T.RAVIKUMAR
Judge

Sd/-
K.P.JYOTHINDRANATH
Judge

TKS

// True copy //

P.S. to Judge