



2025:KER:19816

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE EASWARAN S.

FRIDAY, THE 7TH DAY OF MARCH 2025/16TH PHALGUNA, 1946

MACA NO.2369 OF 2021

AGAINST THE ORDER/JUDGMENT DATED 14.10.2020 IN OPMV
NO.295 OF 2017 OF ADDITIONAL DISTRICT COURT & SESSIONS
COURT - II, MANJERI / II ADDITIONAL MACT, MANJERI

APPELLANT/PETITIONER

SARAI SIJU,
AGED 32 YEARS
D/O.. P.V. THOMAS, PAMBAKKOLIL HOUSE,
PATHIRIPPADAM P.O. NILAMBUR TALUK,
MALAPPURAM DISTRICT.

BY ADV K.RAKESH

RESPONDENTS/RESPONDENTS

- 1 LEDA KUMAR,
S/O. KAMAL, KIMBAR, 34A, RANICHIRKA,
KUMARDAAGA, PINDRAJORA, BOKARO DISTRICT,
JHARKHAND STATE, PIN- 828 134.
- 2 VINOD KUMAR,
S/O. DHARNIDHAR, MANHI A.T. RANICHIRAKA,
KUMARDAAGA, PINDRAJORA, BOKARO DISTRICT,
JHARKHAND STATE, PIN- 828 134.
- 3 THE NATIONAL INSURANCE COMPANY LIMITED,
MANJERI, MALAPPURAM DISTRICT,
REPRESENTED BY ITS MANAGER, PIN - 676 121.

BY ADV N.S.NAJEEB

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY
HEARD ON 07.03.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

**JUDGMENT**

The appellant dissatisfied with the quantum of compensation awarded by the Additional Motor Accident Claims Tribunal-II, Manjeri in O.P (MV) No.295 of 2017 has approached this Court seeking enhancement.

2. The appellant while working as a midwife (Nurse) met with an accident on 12.08.2012 at about 5.30 a.m while she was travelling in a car bearing registration No.WB-02/M-7840 from Chasmore road to Bokaro reached at Pindrajora, a Tractor bearing Registration No.JH09/L-8356 driven in a rash and negligent manner and hit against the vehicle. She was immediately taken to General Hospital, Bokaro wherein she was treated as an inpatient. Later she underwent treatment in different hospitals. In her claim petition, it was contended that, she was earning a monthly income of Rs.14,000/- per month as a Nurse. In support of her contention Ext.A1 to A25 documents were produced. The claimant has also produced Ext.XI, this is the disability certificate issued by the Medical Board of the General Hospital, Manjeri in which the



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disability was noted as 25%. The Tribunal on appreciation of evidence found that the claim for income of the appellant for an amount of Rs.12,000/- stands proved and therefore granted following compensation.

Sl. No.	Head of Claim	Amount claimed	Amount Awarded	Remarks
1	Loss of earning	5,00,000/-	96,000/-	12,000x8
2	Transport to hospital	75,000/-	50,000/-	
3	Extra Nourishment	55,000/-	21,300/-	300x71
4	Damage to clothing & articles	20,000/-	750/-	
5	Bystander expenses	50,000/-	28,400/-	400x71
6	Medical expenses	13,00,000/-	2,46,168/-	
7	Compensation for pain & suffering	1,50,000/-	60,000/-	
8	Compensation for permanent disability & loss of earning power	3,50,000/-	8,56,800/-	12,000x140/ 100x25/100 x17x12
9	Compensation for loss of future earning power	3,00,000/-	Nil	
10	Compensation for disfigurement	2,00,000/-	50,000/-	
	Total	Rs.30,00,000/-	Rs.14,09,418/- rounded to Rs.14,09,500/-	



3. Heard Sri. Rakesh K, the learned Counsel appearing for the appellant and Sri.N. S. Najeeb, the learned Counsel appearing for the Insurance Company.

4 On consideration of the rival submissions raised across the Bar, this Court is of the considered view that the appellant is entitled to succeed.

5. The income having been proved and fixed correctly by the tribunal, there is no scope for interference by this court. Similarly the disability is also correctly fixed. Thus the only scope for enhancement of compensation is under the non- conventional heads. Considering the seriousness of injuries suffered by the appellant in the road traffic accident this court is inclined to enhance the compensation under the non conventional heads

6. In the result, the appeal is allowed. The appellant is entitled for enhanced compensation as follows:

Loss of earnings	$12,000 \times 10 = 1,20,000 - 96,000 = 24,000$
Pain and sufferings	25,000
Disfigurement	25,000
Loss of amenities	1,00,000



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Thus a total amount of **Rs.1,74,000/-**-(Rupees one lakh seventy four thousand only) is awarded as the enhanced compensation to the appellant. The amount shall carry 9% interest from 23.02.2017 till realization. The Insurance Company shall deposit the enhanced compensation together with interest and proportionate costs into the bank account of the claimant within a period of two months from the date of receipt of a copy of this judgment. The appeal is ordered accordingly.

Sd/-
EASWARAN S.
JUDGE

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