

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

&

THE HONOURABLE MRS. JUSTICE M.C.HARI RANI

THURSDAY, THE 4TH AUGUST 2011 / 13TH SRAVANA 1933

MACA.No. 1159 of 2011()

OPMV.252/2008 of PRINCIPAL MOTOR ACCIDENT CLAIMS TRIBUNAL,
KOZHIKODE
.....

APPELLANT/PETITIONER IN O.P.(M.V.)

SUBRAHMANYAN,
AGED 46 YEARS, S/O. SEKHARAN,
ILAKKAPARAMBATH HOUSE, PANNIYANKARA
AMSOM DESOM, KALLAI POST, KOZHIKODE.

BY ADV. SMT.LATHA PRABHAKARAN
SRI.K.M.JAMALUDHEEN

RESPONDENTS/RESPONDENTS IN O.P.(M.V.)

1. MOHAMMED ASHRAF, S/O. U.V.K. MOHINDEEN,
KOYATTY VALAPPIL, CHALIYAM POST, KADALUNDI,
KOZHIKODE - 673 301.
2. S. VIVEKANANDAN, S/O. SELLAPPAN.N,
28/07, LAVANDU, V.K. KRISHNA MENON ROAD,
KALLAYI, KOZHIKODE - 673 003.
3. NATIONAL INSURANCE CO. LTD., DIVISIONAL
OFFICE NO.10, FLAT NO.101-06, N.I.B.MC HOUSE,
CONNAUGHT PLACE, NEW DELHI - 110 001.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD
ON 04/08/2011, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT & M.C.HARI RANI, JJ.

* * * * *

M.A.C.A.No.1159 of 2011

Dated this the 4th day of August 2011

J U D G M E N T

R.BASANT,J

Claimant is the appellant. He claimed compensation for personal injuries suffered by him in a motor accident which took place on 11.10.2007. Against a claim of Rs.1,50,000/-, the Tribunal awarded an amount of Rs.37,245/- as per the details given in paragraph 10 of the impugned award, which we extract below:

i)	Transport to hospital	:	Rs. 500/-
ii)	Extra nourishment	:	Rs. 500/-
iii)	Loss of earnings	:	Rs. 3,500/-
iv)	Bystander's expenses	:	Rs. 600/-
v)	Treatment expenses	:	Rs.17,145/-
vi)	Pain and suffering	:	Rs.12,000/-
vii)	Loss of amenities	:	Rs. 3,000/-
Total		: Rs.37,245/- =====

2. The challenge is directed only against the quantum of compensation. The appellant was employed as a marble worker/coolie. He was in-patient for a period of three days. He had suffered injuries including a fracture on the left leg. There is nothing to show that he has suffered any permanent disability. The Tribunal accepted the entire bills of 17,145/- to show treatment expenses. For pain and suffering, an amount of Rs.12,000/- was awarded. In addition, even though no disability is proved, a further amount of Rs.3,000/- was awarded under the head of loss of amenities.

3. Called upon to explain and be specific, the learned counsel for the appellant only generally raises a complaint that amounts awarded are not adequate. Specific reference has not been made to the fracture suffered by the appellant, contends the counsel.

4. We have gone through the amounts awarded under different heads. We have considered the nature of injury and the period of treatment and the nature of treatment. We are unable to agree that the amount awarded under any specific head deserves interference in appeal. Altogether an amount of

Rs.15,000/- has been awarded under the head pain and suffering and loss of amenities.

5. We are, in any view of the matter, satisfied that the quantum fixed by the Tribunal does not warrant appellate interference by invoking our jurisdiction under Section 173 of the Motor Vehicles Act. So this appeal is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

(M.C.HARI RANI, JUDGE)

jsr

// True Copy// PA to Judge

K.M.JOSEPH & M.C.HARI RANI, JJ.

.No. of 200

ORDER/JUDGMENT

30/082010