

(2012) 03 KL CK 0140
In the High Court Of Kerala
Case No : MACA. No. 255 of 2006 (E)

Biju Thomas, Veliyaparambil House, Muttambalam P.O,
Kottayam

APPELLANT

Vs

K.S.R.T.C. and Others

RESPONDENT

Date of Decision : 07-03-2012

Acts Referred:

Citation : (2012) 03 KL CK 0140

Hon'ble Judges : Pius C. Kuriakose, J;C.T. Ravi Kumar, J

Bench : Division Bench

Advocate : Koshy George, Sri. Alex George and Sri. George Zachariah Eruthickel, for the Appellant; M. Sindhu Thankam, R, R3, Smt. O.H. Nazeeba, for R, R3, Sri. T.N. Sukumaran for R, R2, Sri. V.B. Narayanan for R, R2, Sri. Mathews Jacob, (SR.) for R, R5, Sri. P. Jacob Mathew for R, R5 and Sri. Babu Joseph Kuruvathazha for R1 (B/o, No Memo), for the Respondent

Judgement

Justice Pius C. Kuriakose

1. The appellant who continues to be a student for C.A course complains that the Motor Accidents Claims Tribunal did not award him adequate compensation for the very serious injuries which he suffered on account of a road traffic accident. The appellant claimed a total compensation of Rs. 4,89,200/- as compensation and under the impugned award the learned Tribunal has awarded only Rs. 16,000/- as compensation to the appellant. Even though several grounds have been raised in the memorandum of appeal assailing the award of the Tribunal, the learned counsel for the appellant would submit at the very outset for an order of remand to the Reference Court. According to him, at the time when the MV(OP) was being enquired into by the learned Motor Accidents Claims Tribunal, the appellant was being treated in a hospital outside the state and could not adduce proper evidence in support of his claim.

2. We feel having regard to the above submission that the appellant can be afforded opportunity to adduce further evidence for substantiating his claim for

compensation. Accordingly, we set aside the impugned award to the extent the same pertains to the compensation to be awarded to the appellant and remand O.P.(MV) 1029/94 to the MACT, Kottayam for passing a fresh award. The Tribunal will afford opportunity to the appellant and to all contesting parties to adduce whatever evidence they want to for substantiating their respective claims and contentions. The needful in compliance with the above directions shall be done by the Tribunal at its earliest. We however clarify that the finding of the Tribunal that the KSRTC alone is liable to indemnify the owner of the offending vehicle for the compensation amount is not interfered by us. Parties will enter appearance before the MACT, Kottayam on 30/03/12.