

(2010) 08 KL CK 0100
In the High Court Of Kerala
Case No : M.A.C.A. No. 1797 of 2006

C.P. Abhilash

APPELLANT

Vs

P. Subhash, P. Narayanan and National Insurance Co. Ltd.

RESPONDENT

Date of Decision : 18-08-2010

Acts Referred:

Citation : (2010) 08 KL CK 0100

Hon'ble Judges : M.N. Krishnan, J

Bench : Single Bench

Advocate : K. Shibili Naha, for the Appellant; Saju S.A., for the Respondent

Judgement

M.N. Krishnan, J.—This is an appeal preferred against the award of the Claims Tribunal, Manjeri in O.P.(MV) No. 682/2002. The claimant, a 9 year old boy, sustained injuries in a road accident and he has been awarded a compensation of Rs. 5,650/-. Dissatisfied with the same, the claimant has come up in appeal.

2. Heard the learned Counsel for the appellant as well as the insurance company. The learned Counsel for the appellant had made available before me the documents relating to the injury sustained and the treatment. The Tribunal has also noted that the boy had lost one incisor on the right side and there was loosening of the first incisor on the left side. He had injury on the forehead as well as on the left elbow. He was treated as an inpatient in a hospital for a period of 5 days. The documents also revealed that he had undergone consultation and treatment with the Dental Department of District Hospital.

3. At the age of 9 when a tooth is lost, it is lost for ever and therefore compensation has to be granted. Similarly loosening of the other two teeth also would cause problems and it is seen that there had been fracture of one tooth also in the process. So taking into consideration loss of one tooth coupled with mobility and fracture of two other teeth, I am inclined to grant Rs. 3,000/- for the loss of one tooth and Rs. 3,000/- together for the fracture and mobility caused to the two teeth. He is also given an amount of Rs. 1,000/- towards

treatment and also Rs. 2,000/- for pain and sufferings making an additional compensation of Rs. 9,000/-.

4. In the result, the MACA is partly allowed and the claimant is awarded an additional compensation of Rs. 9,000/- with 6% interest on the said sum from the date of petition till realisation and the respondent insurance company is directed to deposit the said amount within a period of 60 days from the date of receipt of a copy of this judgment.

Disposed of accordingly.