

(2010) 11 KL CK 0172
In the High Court Of Kerala
Case No : MACA No. 1786 of 2010

Mr. Syam Kiran

APPELLANT

Vs

Mr. Lijo Joseph and The Manager

RESPONDENT

Date of Decision : 09-11-2010

Acts Referred:

Citation : (2010) 11 KL CK 0172

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

Bench : Single Bench

Advocate : V. Binoy Ram, for the Appellant; No Appearance, for the Respondent

Judgement

M.N. Krishnan, J.—This is an appeal preferred against the award of the Claims Tribunal, Irinjalakuda in OP(MV) No. 802/2006. The claimant, a 33 year old man, sustained injuries in a road accident and the Tribunal has awarded him a compensation of Rs. 35,600/- with 7% interest. Dissatisfied with the same, he has come up in appeal for enhancement of the compensation.

2. A perusal of the award would reveal that he had sustained a fracture of the medial malleolus of the right ankle besides lacerated wound on the right cheek etc. He had expended Rs. 10,000/- towards medical expenses. The Tribunal has awarded reasonable compensation almost under all heads. The learned Counsel had produced before me a copy of the disability certificate. The Tribunal did not accept it on the ground that neither the claimant nor the doctor was examined to prove the disability certificate. A perusal of the disability certificate also would prove that there is only partial ankylosis suffered by the claimant. Even if it is true, in the absence of concrete materials, the disability compensation cannot be awarded. It is seen that at the rate of Rs. 1,000/-per month 5 months" loss of earnings is granted for a 33 year old man. Even if his income is taken at Rs. 2,000/-which shall be the minimum, he is entitled to get Rs. 5,000/-more towards loss of earnings. Considering the difficulty expressed in the disability certificate regarding squatting, running etc, I grant Rs. 2,000/- towards loss of amenities making an additional compensation of Rs. 7,000/-. On all other heads

there has been proper compensation.

In the result, the appeal is partly allowed and the claimant is awarded an additional compensation of Rs. 7,000/-with 7% interest 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.