
(2010) 09 KL CK 0288
In the High Court Of Kerala
Case No : M.A.C.A. No. 1994 of 2009

Muhammed Alfas

APPELLANT

Vs

Moideenkutty and The Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 07-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0288

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

Bench : Single Bench

Advocate : K.V. Reshmi, for the Appellant; A. Sreekala, for the Respondent

Judgement

M.N. Krishnan, J.—This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Kozhikode in O.P.(MV)1411/06. The claimant, a minor boy, sustained injuries in a road accident and the Tribunal awarded him a compensation of Rs. 6,050/-. Dissatisfied with the quantum the claimant has come up in appeal.

2. Heard the counsel for the appellant and Smt. Sreekala. A for the Insurance Company. A perusal of the award would reveal that the boy had sustained a very long injury on the forehead of 12 x 5 x .5 cm and also clavicle fracture. The scan report reveal there was soft tissue swelling in the right parietal region. There was also a suspicious undisplaced fracture of the frontal bone on left side with adjacent soft tissue. The length of the injury is quite high. The nature of injury is in the head as well as in the clavicle. The Tribunal also saw the child from the Court. It observed that there is a mark on the forehead. No symptoms of fracture on clavicle was noticed. Normally being an internal injury external mark will not be there for a clavicle fracture. But the medical records reveal sustainment of the same. So taking into consideration these aspects I am inclined to give the following enhancement.

3. I grant Rs. 6,000/- more towards pain and sufferings. Rs. 3,000/- more is granted towards loss of amenities and Rs. 1,000/- more is granted towards

bystanders expenses, treatment and nutritious food, thus making an additional compensation of Rs. 10,000/-.

In the result the MACA is partly allowed and the claimant is awarded an additional compensation of Rs. 10,000/- with 7% interest on the said sum from the date of petition till realisation and the insurance company is directed to deposit the same within a period of sixty days from the date of receipt of a copy of the judgment.