
(2010) 09 KL CK 0294
In the High Court Of Kerala
Case No : M.A.C.A. No. 81 of 2006

Parameswaran Pillai

APPELLANT

Vs

K. Suresh, E. Saju Nelson and The Manager

RESPONDENT

Date of Decision : 20-09-2010

Acts Referred:

Citation : (2010) 09 KL CK 0294

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

Bench : Single Bench

Advocate : T.R. Aswas, for the Appellant; Deepa George, for the Respondent

Final Decision : Allowed

Judgement

M.N. Krishnan, J.—This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Kollam in O.P. (MV) 1755/99. The claimant, a coolie, sustained injuries in a road accident and the Tribunal awarded him a compensation of Rs. 17,200/- . Dissatisfied with the same the claimant has come up in appeal.

2. Heard the counsel and perused the award. The wound certificate reveal that he had a laceration on the back of thigh and laceration above the right knee. Ext.A5 revealed that he had a dislocation of the right elbow joint immediately after the occurrence. He was treated as an inpatient from 19.7.99 to 17.8.99. The Tribunal only granted the loss of earning at Rs. 4,500/ which appears to be inadequate considering the fact that it was in the year 1999 I award Rs. 1,500/ - more towards loss of earnings. He was in the hospital for almost a month (28 days) and no amount is given towards bystanders expenses. Considering that fact I am inclined to grant Rs. 2,500/ - under that head. When there is a dislocation of the joint and the profession is that of a coolie certainly it will deprive him of doing work regularly and will also cause loss of amenities and enjoyment in life. Therefore I grant him a further sum of Rs. 4,000/ - under that head thus making an additional compensation of Rs. 8,000/ -.

3. In the result the MACA is allowed and the claimant is awarded an additional compensation of Rs. 8,000/- with 7.5% 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.