
(2012) 02 KL CK 0104
In the High Court Of Kerala
Case No : M.A.C.A. No. 2230 of 2011 (E)

Shaijan

APPELLANT

Vs

Sandeep, Anil and The Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 08-02-2012

Acts Referred:

Citation : (2012) 02 KL CK 0104

Hon'ble Judges : Pius C. Kuriakose, J;A.V. Ramakrishna Pillai, J

Bench : Division Bench

Advocate : Dilip J. Akkara, for the Appellant; Rajesh Thomas R3, for the Respondent

Final Decision : Allowed

Judgement

Pius C. Kuriakose, J.—The appellant who sustained injuries in a road traffic accident has filed this appeal alleging that the compensation awarded by the Tribunal is inadequate. It was submitted by Sri. Dilip J. Akkara, the learned counsel for the appellant that the learned Tribunal attempted to have a settlement of the issue by resorting to mediation. The attempt was unsuccessful. Thereafter when the O.P. was taken up for enquiry certain medical bills which had been produced by the appellant were found missing from the records and could not be produced till the impugned award was passed. The learned counsel for the appellant submitted that an application for re-opening the case for producing the medical bills since traced out, is pending before the Tribunal. Learned counsel for the petitioner requested that the matter be remanded to the Tribunal.

2. Sri. Rajesh Thomas, the learned Standing Counsel for the company submitted that even if this Court is inclined to pass an order of remand the same should be confined to the issue as to the compensation to be awarded towards treatment expenses. We feel that the matter can be remanded and the remand can be confined to the correct compensation payable to the appellant towards medical bills and treatment expenses. Under the above circumstances, we remit O.P.

(MV) 1394/04 to the MACT, Thrissur after setting aside the impugned award to the extent the same pertains to the amount payable to the appellant towards treatment expenses and medical bills only. The other findings in the impugned award are confirmed. The learned Tribunal will conduct enquiry confined to the question as to the correct compensation payable to the appellant towards treatment expenses and medical bills and will pass a revised award at the earliest. Parties will enter appearance before the Tribunal on 29/02/12. There will be a condition that on the further compensation if any to be awarded by the Tribunal, the appellant will not be eligible for interest during the period from 28/02/11 to 28/02/12.