

**Jayaprakash Vs. Managing Director**

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**Court :** Kerala

**Decided On :** Jul-26-2013

**Judge :** Honourable Mr.Justice S.Siri Jagan

**Appellant :** Jayaprakash

**Respondent :** Managing Director

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE S.SIRI JAGAN & THE HONOURABLE MR. JUSTICE K.RAMAKRISHNAN FRIDAY, THE 26TH DAY OF JULY 2013 4TH SRAVANA, 1935 MACA.No. 184 of 2010 (D) ----- AGAINST THE AWARD IN OPMV 1084 2006 of MACT, IRINJALAKUDA, DATED 31 08-2009 APPELLANT(S)/PETITIONER IN OPMV: ----- JAYAPRAKASH, S/O.GOVINDA MENON, KUNNATH SREEDEVI MADOM HOUSE, PULLUTT DESOM &, VILLAGE KODUNGALLUR TALUK, THRISSUR DISTRICT. BY ADVS.SRI.P.V.BABY SRI.A.N.SANTHOSH RESPONDENT(S)/RESPONDENTS IN OP(MV): ----- 1. MANAGING DIRECTOR, KERAL STATE ROAD TRANSPORT CORPORATION, FORT THIRUVANANTHAPURAM.

2. CHANDRAHASAN, S/O.BALAKRISHNAN, KANDASWARATH KALARAICKAL HOUSE, CONVENT ROAD THUMBOOR.P.O. R1 BY ADV. SRI.V.V.NANDAGOPAL NAMBIAR,SC, KSRTC R1 BY ADV. SRI.BABU JOSEPH

KURUVATHAZHA,SC,KSRTC R1 BY ADV. SRI.JOY GEORGE, SC, K.S.R.T.C. THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON 26-07-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: S. Siri Jagan & K. Ramakrishnan, JJ.

----- M.A.C.A. No. 184 of 2010 -----  
----- Dated this, the 26th day of July, 2013.

## JUDGMENT

**Siri Jagan, J.**

The appellant is the claimant in O.P.(MV) No. 1084/2006 before the Motor Accidents Claims Tribunal, Irinjalakuda. He filed the O.P. claiming compensation for the injuries and consequent disability sustained by him in an accident caused by the negligent driving of a vehicle owned by the 1st respondent and driven by the 2nd respondent. The Tribunal, after finding negligence on the part of the 2nd respondent, awarded compensation under various heads as follows: Medical expenses Rs. 1,43,500/- Bystander's expenses Rs. 1700/- Transportation Rs. 1,500/- Pain and suffering Rs. 20,000/- Loss of amenities in life Rs. 20,000/- Loss of earnings Rs. 12,000/- Total Rs. 1,98,700/- Dissatisfied with the quantum of compensation awarded by the Tribunal, the appellant has filed this appeal seeking enhanced compensation.

2. The first contention raised by the appellant is that the Tribunal has wrongly fixed the monthly income of the appellant as Rs. 3,000/- as against a claim of Rs. 4,000/-. The second contention is that although the appellant produced medical bills for Rs. 1,72,311/-, the Tribunal accepted only bills for M.A.C.A. No. 184 of 2010 -:

2. :- Rs.1,43,500/- for awarding medical expenses. It is further submitted that the amounts of compensation awarded for pain and suffering and loss of amenities in life are also on the lower side.

3. We have heard the learned counsel for the respondents as well.

4. The accident was on 30.6.2006. The appellant was aged 49 years at the relevant time. Although the appellant produced a SSI Registration Certificate to show that he was conducting a SSI unit, he did not adduce any evidence regarding his income to prove that he was earning Rs. 4,000/- p.m. That being so, we are not satisfied that the Tribunal went wrong in fixing the notional income of Rs.3,000/-.

5. Of course, the appellant produced bills for Rs.1,72,311/-. But several of the bills and vouchers were of the year 2008. The appellant did not adduce any evidence to prove that the appellant's treatment for the injuries sustained in the accident continued till 2008. That being so, we do not find any infirmity in the Tribunal accepting only the bills relevant for the period of accident and treatment. Considering the injuries sustained, we are unable to persuade ourselves to hold that the amounts compensation awarded for pain and suffering and loss of amenities in life are on the lower side. M.A.C.A. No. 184 of 2010 -:

3. :- In the above circumstances, we do not find any merit in this appeal and accordingly the same is dismissed. Sd/- S. Siri Jagan, Judge. Sd/- K. Ramakrishnan, Judge. Tds/ [True copy] P.S to Judge.

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