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Jeril George vs Ramla Beevi

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Court : Kerala

Decided On : Mar-14-2025

Judge : Honourable Mr. Justice C.Pratheep Kumar

Appeal No. : MACA/1777/2015

Appellant : Jeril George

Respondent : Ramla Beevi

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE C.PRATHEEP KUMAR FRIDAY, THE 14TH DAY OF MARCH 2025/23RD PHALGUNA, 1946 MACA NO. 1777 OF 2015 AGAINST THE ORDER/JUDGMENT DATED 09.07.2014 IN OPMV NO.980 OF 2006 OF ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, ALAPPUZHA. APPELLANT: JERIL GEORGE @ JERRIN, AGED 21 YEARS, S/O. GEORGE CHACKO, LAKE VIEW, KADAVIL, PALLIPURAM MURI, PALLIPPURAM VILLAGE, CHERTHALA TALUK, ALAPPUZHA DISTRICT - 688 541. BY ADV SRI.R.AZAD BABU RESPONDENTS: 1 RAMLA BEEVI, AGED 53 YEARS, D/O. RAHIYANATHU BEEVI, KUNCHOOSE HOUSE, OLAYIL, PALACE WARD, NEAR KOLLAM HIGH SCHOOL, KOLLAM DISTRICT - 691 009. 2 AMIN S.T, S/O. KUNCHOOSE, OLAYIL, PALACE WARD, NEAR KOLLAM HIGH

SCHOOL, KOLLAM DISTRICT - 691 009. 3 NATIONAL INSURANCE COMPANY LTD, DIVISIONAL OFFICE, KOLLAM - 691 001. BY ADV S.K.AJAY KUMAR -2- THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD ON ON 14.03.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: -3-

JUDGMENT

(Dated this the 14th day of March, 2025) The petitioner in O.P.(M.V.) No.980/2006 on the file of the Motor Accident Claims Tribunal, Alappuzha is the appellant herein. (For the purpose of convenience, the parties are hereafter referred to as per their rank before the Tribunal).

2. The petitioner filed the above O.P. under

Section 166 of the Motor Vehicles Act, 1988, claiming compensation for the injuries sustained in a motor vehicle accident that occurred on 19.11.2005. According to the petitioner, on 19.11.2005 at about 3.15 p.m., while he was travelling in a Maruthi car, a Lancer car bearing Registration No.KL-2/H-2500 driven by the 1 st respondent in a rash and negligent manner overtook a KSRTC bus and hit against the

Maruthi car. As a result of the accident, the petitioner sustained injuries.

3. The 1st respondent is the driver, 2nd respondent

is the owner and 3rd respondent is the insurer of the offending vehicle. According to the petitioner, the accident occurred due to the negligence of the driver of the offending vehicle. The quantum of compensation claimed in the O.P. is Rs.1,48,500/- -4- limited to Rs.1,00,000/-.

4. The insurance company filed a written statement, admitting the accident as well as policy, but disputing the negligence on the part of the driver of the offending vehicle.

5. The evidence in the case consists of the documentary evidence Exts.A1 to A21. No evidence was adduced by the respondents.

6. After evaluating the evidence on record, the

Tribunal found negligence on the part of the driver of the offending vehicle, awarded a total compensation of Rs.18,040/- and directed the insurer to pay the same.

7. Aggrieved by the quantum of compensation awarded by the Tribunal, the petitioner preferred this appeal.

8. Now the point that arises for consideration is the following: Whether the quantum of compensation awarded by the Tribunal is just and reasonable?

9. Heard Sri.Azad Babu, the learned Counsel appearing for the petitioner/appellant, and Sri.S.K.Ajay Kumar, -5- the learned Standing Counsel for the 3rd respondent.

10. In the accident the petitioner sustained the following injuries:

1. Bone deep lacerated wound over left cheek

2. Contusion left eye

3. Abrasion on chin and on left shoulder

11. In this case the petitioner has not produced any disability certificate and as such the petitioner is not entitled to get any compensation on the head 'loss of disability'.

12. Towards the head pain and sufferings, the

Tribunal has awarded Rs.7,000/-. Towards 'loss of amenities of life' Rs.3,000/- was awarded, towards 'extra nourishment' and transportation to hospital Rs.1,000/- each was awarded and towards bystander expenses Rs.600/- was awarded. Considering the nature of injuries and the period of treatment undergone by him, I hold that the compensation awarded on the above heads are on the

lower side.

13. The petitioner sustained injuries in the

accident and was treated as inpatient for 4 days. Because of the injuries sustained and the length of treatment undergone by the petitioner, I hold that the compensation awarded by the -6- Tribunal on the heads pain and sufferings, 'loss of amenities of life', 'extra nourishment' transportation to hospital and bystander expenses are on the lower side and hence they are enhanced to Rs.10,000/-, 10,000/-, 2,000/-, 2,000/- and 800/- respectively.

14. No change is required, in the amounts awarded on other heads, as the compensation awarded on those heads appears to be just and reasonable.

15. Therefore, the petitioners/appellants are entitled to get a total compensation of Rs.30,240/-, as modified and recalculated above and given in the table below, for easy reference: Sl.

N Head of Claim Amount Amount o

Rs.) 1 Transport to hospital 1,000/- 2,000/- 2 Medical expense 4,940/- 4,940/- 3 Bystander expenses 600/- 800/- 4 Extra nourishment 1,000/- 2,000/- 5 Damage to clothing, 500/- 500/- watch etc. 6 Pain and sufferings 7,000/- 10,000/- 7 Loss of amenities 3,000/- 10,000/- Total 18,040/- 30,240/- Enhanced Rs.12,200/- -7-

16. In the result, this Appeal is allowed in part,

and Respondent No.3 is directed to deposit a total sum of Rs.30,240/- (Rupees thirty thousand two hundred and forty only), less the amount already deposited, if any, along with interest @ 8% per annum, from the date of the petition till deposit/realisation, excluding interest for a period of 199 days, the period of delay in filing the appeal, with proportionate costs, within a period of two months from today. On depositing the aforesaid amount, the Tribunal shall disburse the entire amount to the petitioner, excluding court fee payable, if any, without delay, as per rules. Sd/- C.PRATHEEP KUMAR, JUDGE ADS

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