

Robin vs the Divisional Manager, New India Assurance Co.Ltd

Robin vs the Divisional Manager, New India Assurance Co.Ltd

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Court : Kerala

Decided On : Aug-30-2019

Judge : Honourable Mr. Justice P.B.Suresh Kumar

Appeal No. : MACA/2056/2012

Appellant : ROBIN

Respondent : The Divisional Manager, New India Assurance Co.Ltd

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR
FRIDAY, THE 30TH DAY OF AUGUST 2019 / 8TH BHADRA, 1941
AGAINST THE AWARD IN OPMV 1513/2009 OF MOTOR ACCIDENT
CLAIMS TRIBUNAL, KOLLAM APPELLANT/S: ROBIN SAROJINI
NIVAS, MARUTHOOR KULANGARA SOUTH KARUNAGAPPALLY. BY
ADV. SRI.PRATHEESH.P RESPONDENT/S: THE DIVISIONAL
MANAGER, NEW INDIA ASSURANCE CO.LTD KOLLAM - 691 001. R1
BY ADV. SRI.K.C.SANTHOSHKUMAR R1 BY ADV.
SRI.P.JAYASANKAR THIS MOTOR ACCIDENT CLAIMS APPEAL
HAVING BEEN FINALLY HEARD ON 30.08.2019, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING: ..2..

JUDGMENT

Dated this the 30th day of August 2019 This is an appeal preferred by the claimant in a proceedings for compensation before the Motor Accidents Claims Tribunal. As against the claim of Rs.2,00,000/-, the Tribunal has granted a sum of Rs.18,000/-. The claimant is aggrieved by the quantum of compensation granted by the Tribunal.

2. When the matter was taken up on 27.08.2019, the

learned counsel on either side agreed that they would make an endeavour to settle the dispute relating to the quantum of compensation after consulting with their parties. The matter was, accordingly, adjourned for settlement and when the matter has come up today, the learned counsel for the insurer offered to the claimant Rs.9,000/- towards compensation for pain and sufferings, Rs.6,000/- towards compensation for loss of amenities, Rs.1,500/- towards compensation for medical expenses and Rs.500/- towards

compensation for damage to clothings, in addition to the compensation already granted by the Tribunal. The learned counsel for the insurer has also offered to the claimant a consolidated sum ..3.. of Rs.7,650/-, towards interest for the additional compensation offered. The total compensation with interest would, thus, come to Rs.24,650/-. The learned counsel for the insurer has offered in the place of Rs.24,650/-, a sum of Rs.25,000/-. The learned counsel for the claimant, after obtaining instruction from the party, agreed to accept the said amount towards full and final settlement of the claim for enhanced compensation made in the appeal. As required by the Court, a joint statement has also been submitted by the counsel on either side stating that the matter has been settled for a consolidated amount as indicated above.

3. On an evaluation of the facts and circumstances of the case and the materials on record, I am of the view that the additional compensation as also the interest offered by the insurer,

as accepted by the claimant represent the just additional compensation to be granted to the claimant. The joint statement submitted by the counsel on either side will form part of the records in this matter.

4. In the circumstances, the impugned award is modified, granting to the claimant a sum of Rs.25,000/- (Rupees twenty five thousand only) by way of additional compensation. The ..4..

insurer shall deposit the additional compensation within 60 days from the date of receipt of a copy of the judgment, failing which the said amount would carry interest at the rate of 12% from the date of the judgment. Other directions contained in the award passed by the Tribunal will stand. Sd/- P.B.SURESH KUMAR, JUDGE kkj

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