

Kerala High Court

Bindu vs Moideenkoya on 21 August, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

MACA.No. 882 of 2007()

1. BINDU, AGED 23 YEARS,D/O.GOPALAN NAIR,
... Petitioner

Vs

1. MOIDEENKOYA,S/O.AHAMMEDKUTTY, K
... Respondent

2. JAYAPRAKASH,S/O.GANGADHARAN NAIR,

3. THE UNITED INDIA INSURANCE COMPANY LTD.,

For Petitioner :SRI.AVM.SALAHUDIN

For Respondent :SRI.PMM.NAJEEB KHAN

The Hon'ble MR. Justice M.N.KRISHNAN

Dated :21/08/2008

O R D E R

M.N.KRISHNAN, J.

M.A.C.A. No. 882 OF 2007

Dated this the 21st day of August, 2008

JUDGMENT

This appeal is preferred against the award passed by the Principal Motor Accident Claims Tribunal, Kozhikode, in OP(MV) 2421/99. The claimant, aged 16 years, while travelling in a bus, sustained injuries in a road accident. It is noticed that she has suffered a split in the anterior teeth. The Tribunal did not accept Ext.A3, which was issued on 8.10.05, relating to some root canal treatment. But the Tribunal gave reliance to Ext.A4 issued by the Dental Department of the Medical College.

2. It has to be remembered that there was a split in the teeth of a 16 year old girl and that she had undergone root canal treatment. There was also suspicion of a fracture of the mandible. So all these things would indicate that the girl had undergone treatment in one or two hospitals. Taking note of the injury, that too of a young girl on her teeth at the age of 16, I feel that an amount of Rs.2,000/- can be enhanced towards loss of amenities and enjoyment in life. On all other heads the Tribunal has awarded a just and reasonable compensation.

In the result, the MACA is partly allowed and the claimant is entitled to an additional compensation of Rs.2,000/- with 6 % interest on the said sum from the date of petition till realisation. The Insurance company is directed to deposit the amount within a period of 60 days from the date of receipt of a copy of this judgment.

M.N.KRISHNAN, JUDGE vps