

Kerala High Court

National Insurance Co. Ltd. vs Ranjith on 27 January, 2009

IN THE HIGH COURT OF KERALA AT ERNAKULAM

MACA.No. 1953 of 2008()

1. NATIONAL INSURANCE CO. LTD., PALA,  
... Petitioner

Vs

1. RANJITH, S/O. THANKAPPAN,  
... Respondent

2. P.M. Y00SUF,

3. Y00SUF, S/O. MARAKKAR,

For Petitioner :SRI.E.M.JOSEPH

For Respondent :SRI.JAMES KURIAN

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

Dated :27/01/2009

O R D E R

M.N. KRISHNAN, J.

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M.A.C.A. NO. 1953 OF 2008

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Dated this the 27th day of January, 2009

J U D G M E N T

This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Pala in O.P.(MV)286/05. The claimant, a 24 year old man sustained injuries in a road accident and he has been awarded a compensation of Rs.85,380/-. A perusal of the award would reveal that he had some head injury for which he was treated as an inpatient in a hospital for a period of six days. A disability certificate is seen issued by a retired civil surgeon that too without any further investigation. He has assessed the disability at 11% and the Tribunal without any hesitation has accepted the said

disability certificate. I do not want to say anything at this stage for the reason I am inclined to send back the matter to the Tribunal with a direction to refer him to a Medical Board. The Medical Board shall consist of a neuro-surgeon and after the receipt of the certificate from the Medical Board the matter be reconsidered and M.A.C.A. 1953 OF 2008 appropriate award to be passed. Therefore the award under challenge is set aside and the matter is remitted back to the Tribunal with a direction to refer the claimant to the Medical Board and thereafter to decide the matter in accordance with law after affording equal opportunities to all sides to adduce evidence. Parties are directed to appear before the Tribunal on 2.3.09.

The MACA is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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