

Kerala High Court

National Insurance Company Ltd vs T.Vasudeven Nambissan on 17 June, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

MACA.No. 2231 of 2007()

1. NATIONAL INSURANCE COMPANY LTD.,
... Petitioner

Vs

1. T.VASUDEVEN NAMBISSAN, AGED 72 YEARS,
... Respondent

2. RAJAN, S/O GANAPATHY,

3. T.PALANI SWAMI, PREETHI HOUSE,

4. V.K.SANTHOSH, S/O KUNHUMON,

5. K.M.RAVEENDRAN, S/O SANKARANKUTTY NAIR,

6. THE UNITED INDIA INSURANCE COMPANY LTD.,

For Petitioner :SRI.RAJAN P.KALIYATH

For Respondent :SRI.K.P.SREEKUMAR

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

Dated :17/06/2008

O R D E R

M.N.KRISHNAN, J

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MACA No.2231 OF 2007
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Dated this the 17th day of June 2008

JUDGMENT

This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Tirur in O.P.(MV)No.14 of 2005. The claimant, an Advocate Clerk by profession aged 72 years sustained lacerated wounds on the root of the nose, lacerated wound on the left temporal region, fracture of nasal bone, etc.. He had also small abrasions on the left knee. He was treated in the hospital as an out patient. The Tribunal awarded a total compensation of Rs.26,000/-. Since I am not interfering with the finding on the question of negligence notice to R3 is dispensed with and 2nd respondent's notice is held to be sufficiently served as he has not claimed.

2. Learned counsel for the appellant would contend that the Tribunal has awarded excess compensation under the heads loss of earning and pain and suffering. It is seen from the materials available that he is a very senior Advocate Clerk and I do not feel that an income of Rs.5,000/- for a senior Advocate Clerk is excessive. Therefore I do not propose to interfere with the said finding. But, so far as pain and suffering is concerned, considering the similar nature of cases and the uniform pattern, i.e. almost followed in cases involving such injuries and the period of hospitalization, etc., I feel it is slightly on the higher side and therefore I reduce it by Rs.4,000/- making it Rs.6,000/-. On all other heads, the Tribunal has granted reasonable compensation and it does not call for any interference.

Therefore, MACA is partly allowed and a revised award is passed whereby the claimant is awarded a compensation of Rs.22,000/- with 9% interest on the said sum from the date of petition till realisation with cost of Rs.500/-. The 3rd respondent insurance company, viz., the appellant herein is directed to deposit the amount within 60 days from the date of receipt of a copy of this judgment. Being a case involving in an old man, the Tribunal shall see that the amount is disbursed to him in lump.

M.N.KRISHNAN, JUDGE Cdp/-