

Kerala High Court

K.R.Rajeesh vs Deepu C.I. on 7 July, 2008

IN THE HIGH COURT OF KERALA AT ERNAKULAM

MACA.No. 650 of 2004()

1. K.R.RAJEESH S/O. RAMU,  
... Petitioner

Vs

1. DEEPU C.I., CHENGANIMATTAM HOUSE,  
... Respondent

2. C.K.YOHANNAN, CHENGANIMATTAM HOUSE,

3. THE MANAGER, THE NEW INDIA ASSURANCE

For Petitioner :SRI.P.V.BABY

For Respondent :SRI.KKM.SHERIF

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

Dated :07/07/2008

O R D E R

M.N. KRISHNAN, J.

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M.A.C.A. NO. 650 OF 2004

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Dated this the 7th day of July, 2008.

J U D G M E N T

This appeal is preferred against the award of the Motor Accidents Claims Tribunal, Irinjalakuda in O.P.(MV)439/98. A boy aged 15 years sustained fracture of the clavicle and was treated as an inpatient for one day. He claimed to be a vegetable business man which was rightly rejected by the Tribunal. The claimant also produced a disability certificate of 9% that has also been reduced to 5% and compensation is calculated by the Tribunal. Really I cannot agree with the disability certificate at all for the reason clavicle fracture is a fracture which is treated conservatively and for a child

under ordinary course there will not be any disability. But since the Tribunal has accepted the disability certificate I do not want to say anything on that. The Tribunal has calculated the disability compensation. It has granted compensation for pain and sufferings as well as some amount for loss of amenities and enjoyment in life. I feel that the M.A.C.A. 650 OF 2004 compensation granted by the Tribunal is more than reasonable and therefore the appeal lacks merit and it is dismissed.

M.N. KRISHNAN, JUDGE.

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