

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH  
&  
THE HONOURABLE MR. JUSTICE M.L.JOSEPH FRANCIS

FRIDAY, THE 29TH MAY 2009 / 8TH JYAISHTA 1931

MACA.No. 861 of 2004()

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OPMV.2021/1997 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ERNAKULAM  
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APPELLANT(S): APPELLANT:

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JOY. M.M., S/O. MATHAI,  
MELAPPILLY HOUSE, PULIYANAM P.O.,  
ANGAMALI.

BY ADV. SRI.K.JANARDHANAN  
SRI.MANURAJ. K.J

RESPONDENT(S):

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1. MR. M.J. VARGHESE, MAZHUVANCHETH HOUSE,  
THAMARACHAL, KIZHAKKAMBALAM, ERNAKULAM DIST.
  2. POLLY, KOLENCHERRY VEETIL,  
PARIYARAM VILLAGE, TRICHUR.
  3. THE ORIENTAL INSURANCE CO.LTD.,  
MATTANCHERRY.

ADV. SRI.MATHEWS JACOB, SENIOR ADVOCATE FOR R3  
SRI.P.JACOB MATHEW FOR R3

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING BEEN FINALLY HEARD  
ON 29/05/2009, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K. M. JOSEPH &  
M.L. JOSEPH FRANCIS, JJ.**

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M.A.C.A.No. 861 of 2004  
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Dated this the 29th day of May, 2009

**JUDGMENT**

**Joseph, J.**

Heard the learned counsel for the appellant and the learned counsel for the respondent, Insurance Company.

2. Having perused the affidavit, the delay is condoned and the appeal itself is taken up for consideration. The learned counsel for the respondent, Insurance Company, would submit that the claim of the appellant is covered by valid insurance policy. Hence it is not necessary to issue notice to respondents 1 and 2.

3. An amount of Rs.21,000/- has been awarded by the Insurance Court under various heads. The learned counsel for the appellant would submit that the appellant was an autorikshaw driver and he was earning an amount of Rs.1,500/- at the relevant time. He also points out that the appellant was

hospitalised for ten days and the amount awarded under the said head is too meager.

4. Having regard to the totality of facts and circumstances, a consolidated sum of Rs.2,500/- with interest at 7.5% from the date of the petition till the date of payment is to be passed against the third respondent. It is awarded accordingly.

4. This appeal is allowed to the above extent.

**(K. M. JOSEPH)**  
Judge

**(M.L. JOSEPH FRANCIS)**  
Judge

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