

(2014) 02 KAR CK 0320
In the Karnataka High Court
Case No : MFA No. 10869 of 2011 (MV)

Balakrishna Billava

APPELLANT

Vs

Sheik Fahrid Asim and Others

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Citation : (2014) 2 AKR 211

Hon'ble Judges : H.G. Ramesh, J

Bench : Single Bench

Advocate : S. Vishwajith Shetty, Advocate for the Appellant; M.S. Rajendra Prasad, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

Huluvadi G. Ramesh, J.—This appeal is by the claimant for enhancement of compensation against the award passed by the Fast Track Court and Additional MACT, Kundapura, in MVC No. 7/2009 dated 30.7.2011. Claimant has sustained injuries in the accident that occurred on 16.9.2008 in the evening around 4.30 p.m. near Bus Junction on NH. 17 due to the negligent driving of driver of the motorcycle bearing No. KA. 20 U 755. Tribunal has, awarded compensation of Rs. 2,03,400/- with 6% interest under the following heads:

Towards loss of pain and suffering Rs. 20,000/-, towards medical expenses, conveyance etc., Rs. 25,000/- towards loss of income during treatment period Rs. 6,000/-, towards future loss of income Rs. 1,22,400/-, towards loss of amenities in life Rs. 30,000/-.

Being not satisfied with the compensation awarded by the Tribunal, the claimant is before this Court seeking enhancement of compensation.

2. Heard the learned counsel appearing for both the parties.

3. The learned counsel for the appellant has submitted that though the disability is assessed at 30% to 40% to the whole body, the Tribunal has taken only 20%

and also income is taken only at Rs. 3,000/- though the accident is of the year; As per the wound certificate, there is closed head injury early post traumatic seizures, fracture on the left parietal occipital region, SDH with underlying contusion and the doctor has assessed 30% to 40% disability. The Tribunal taking disability of 20%, awarded compensation. Taking the income on the little higher side, claimant would be awarded another Rs. 50,000/- towards loss of future earnings and Rs. 10,000/- towards pain and suffering. As the claimant has sustained head injury, claimant would be awarded Rs. 10,000/-towards loss of earning during treatment period. Thus, claimant would be entitled for Rs. 70,000/- over and above what has been awarded by the Tribunal with interest @ 6% p.a. from the date of petition till deposit. Insurer to deposit the amount within three months.

Appeal is allowed in part.