

(2011) 12 KAR CK 0083

In the Karnataka High Court

Case No : Miscellaneous First Appeal No.8679 of 2011 (MV)

Beemanna

APPELLANT

Vs

Subbareddy Doddadevasandra, The Manager United India
Insurance Co. Ltd.

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0083

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

Bench : Single Bench

Advocate : P Mahadeva Swamy, for the Appellant; D Vijayakumar, for R2, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi. G. Ramesh

1. Delay of 121 days in tiling the appeal is condoned subject to the condition that appellant would not be entitled for interest on the delay period on the enhanced amount of compensation. IA 1/2011 is allowed.

2. This appeal is by the claimant seeking enhancement of compensation as against the award passed by the MACT, Bangalore in M.V:C.No.7701/2009, wherein the Tribunal has awarded a compensation of Rs. 1,29,702/- on the following heads:

Pain and suffering

Rs. 30,000/-

Medical and incidental expenses

Rs. 23,902/-

Rs. 5.000/-

Loss of earning during laid up period

Rs. 9,000/-

Loss of future earning capacity

Rs.46,800/-

Loss of amenities in future life

Rs. 15,000/-

for the accidental injuries sustained on 7.9.2009 due to the negligence of the driver of the Tata Mobile vehicle No.KA 53 1031 He was treated at K.C.General Hospital. He has sustained compound fracture of both bones of right leg and other injuries.

3. Heard.

4. Having regard to the injuries suffered, claimant could be awarded another Rs. 15,000/- towards incidental expenses; taking his income between Rs.4,000-4,500/- per month, claimant could be awarded another Rs. 15,000/- towards loss of future earning; another Rs. 15,000/- towards loss of amenities and enjoyment in life and another Rs. 10,000/- towards future medical expenses. Thus, claimant would be entitled for Rs.55,000/- over and above what has been awarded by the Tribunal. The amount of Rs. 10,000/- awarded towards future medical expenses shall not carry any interest. However, the remaining amount of Rs.45,000/- awarded shall carry interest at 6% interest from the date of petition till deposit. Insurer to deposit the amount in three months.