

(2011) 12 KAR CK 0336

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 6967 of 2011 (MV)

B.L. Gowda

APPELLANT

Vs

Lakshmana Gowda and Others

RESPONDENT

Date of Decision : 12-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0336

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Patel D. Karegowda, for the Appellant; T. Mohankumar, for R-2, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G. Ramesh

1. Delay of 8 days in filing the appeal is condoned. Misc.Cvl. 16508/2011 is allowed.

2. This appeal is by the claimant seeking enhancement of compensation as against the award passed by the Addl. Civil Judge (Sr.Dn.) & CJM, Tumkur in MVC No. 1187/2008.

3. Claimant has sustained injuries in the accident occurred on 26.1.2008 due to the negligence of the rider of the Hero Honda motorcycle bearing No. KA06 Y 8733. He has sustained fracture of both the bones of right leg and also two simple injuries. The Doctor has assessed the disability at 30% to the particular limb. The Tribunal has awarded a total compensation of Rs. 1,22,041/- under the following heads:

Pain and suffering

Rs. 35,000/-

Medical expenses

Rs. 27,041/-

Future unhappiness

Rs. 40,000/-

Future medical expenses

Rs. 20,000/-

Being not satisfied, the claimant is before this Court.

4. Heard.

5. The Tribunal has awarded Rs. 40,000/- towards future unhappiness. The same is treated as towards loss of future income due to disability. However, claimant could be awarded Rs. 25,000/- towards loss of amenities and enjoyment in life; Rs. 10,000/- towards loss of income during the laid up period and Rs. 10,000/- towards incidental expenses. Thus, claimant would be entitled for Rs. 45,000/- over and above what has been awarded by the Tribunal, with 6% interest from the date of petition till deposit.

6. It is submitted that the Insurer has already deposited the award amount. Hence, the difference amount be deposited by the Insurer within three months. Appeal is allowed in part.

Sri. T. Mohan Kumar is permitted to file vakalath for respondent No. 2 within four weeks.