

(2014) 02 KAR CK 0382
In the Karnataka High Court
Case No : M.F.A. No. 3932/2011 (MV)

Dalegowda

APPELLANT

Vs

P.S. Shivanna and The Oriental Insurance Co. Ltd.

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Citation : (2014) 02 KAR CK 0382

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

Bench : Single Bench

Advocate : M.V. Seshachala, Advocate for the Appellant; C.R. Ravishankar, Advocate for R-2, Advocate for the Respondent

Final Decision : Partly Allowed

Judgement

Huluvadi G. Ramesh, J.—This appeal by the claimant seeking enhancement of compensation is against the judgment and award passed by the learned Senior Civil Judge & Addl. MACT, Kunigal, in MVC. No. 295/2006, dated 7th July 2010.

2. It is the case of the claimant that on 4.6.2005 at about 9.30 a.m. when he was travelling in the bus bearing registration No. KA-06-8881 from Tumkur towards Kunigal, at that time, the driver of the bus drove the same in a rash and negligent manner in high speed, as a result the bus capsized due to which, he sustained grievous injuries. Immediately he was shifted to NIMHANS hospital. Claiming that he spent more than Rs. 1,75,000/- towards medical expenses, a petition was filed before the Tribunal seeking compensation.

3. On the matter being contested by the respondent-insurer, the Tribunal raising as many as three issues, after enquiry, holding that the accident was due to negligence on the part of the driver of the bus in question, awarded global compensation of Rs. 30,000/- with interest at 6% p.a. from the date of petition till the date of deposit. Being not satisfied, the claimant/appellant is before this Court seeking enhancement of compensation.

Heard the learned counsel representing the parties.

4. As per the wound certificate, claimant has sustained lacerated sutured wound over the vertex region measuring 2x1 cm, injuries to head and large chronic subdural haematoma with re-bleeds, mass effect on the right cerebral hemisphere with medial displacement of the cortical margin and effacement of the sulci and other injuries. However, doctor has not been examined. Having regard to the nature of injuries suffered, claimant would be entitled for another sum of Rs. 15,000/- towards pain and suffering, Rs. 20,000/- towards loss of amenities and enjoyment in life, Rs. 20,000/- towards incidental expenses like hospitalisation, conveyance, attendant charges and loss of earning during laid up period and Rs. 10,000/- towards discomfort caused due to head injury. Thus, in all the claimant is entitled to compensation of Rs. 65,000/- over and above the compensation awarded by the Tribunal with interest at the rate of 6% p.a. from the date of petition till the date of deposit. The impugned judgment and award passed by the Tribunal is modified accordingly. The insurer to deposit the amount within three months. However, the claimant is not entitled for interest on the enhanced amount for the delay period.

Appeal is allowed in part accordingly.