

(2011) 12 KAR CK 0177

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 5886 of 2011 (MV)

G. K. Rajeev

APPELLANT

Vs

K.P. Kumara Gowda and The Manager National Insurance Co
Ltd.

RESPONDENT

Date of Decision : 05-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0177

Hon'ble Judges : Huvadi G. Ramesh, J

Bench : Single Bench

Advocate : Chethan B, for the Appellant; A. N. Krishnaswamy, For R2, for the Respondent

Final Decision : Allowed

Judgement

Huvadi G. Ramesh, J.—Delay of 352 days in filing the appeal is condoned subject to the condition that appellant would not be entitled for interest for the delay period on the enhanced amount of compensation. Misc.Cvl. 14020/2011 is allowed.

2. This appeal is by the claimant seeking enhancement of compensation as against the award passed by the Prl. Cvl. Judge (Sr.Dn.) & Addl. MACT, Hassan in MVC No. 1568/2007.

3. The claimant has sustained injuries in the accident occurred on 8.9.2007 near Hassan due to the negligence of the rider of the motorcycle bearing No.KA13 R 6644. He has sustained fracture of the right tibia and other tour injuries on the ankle, knee and hip. The Tribunal, after enquiry, has awarded a total compensation of Rs. 1,19,960/- on the following heads:

Medical expenses

Rs. 20,000/-

Pain and suffering

Rs. 20,000/-

Loss of future earnings

Rs 48.960/-

Loss of amenities and Enjoyment in life

Rs. 15,000/-

Conveyance, nourishment and Attendant charges

Rs. 5,000/-

Loss of earnings during the Period of treatment and rest

Rs. 6,000/-

Future medical expenses

Rs. 5,000/-

Being not satisfied, the claimant is before this Court.

4. Heard

5. The claimant could be awarded another Rs. 10,000/- on the head, pain and suffering; on the head, loss of future earning another Rs. 10,000/-; on the head, loss of amenities and enjoyment in life another Rs. 10,000/-; towards incidental expenses another Rs.5,000/- and future medical expenses another Rs. 10,000/-. Thus, claimant would be entitled for Rs.45,000/- over and above what has been awarded by the Tribunal out of which Rs.35,000/- shall carry interest at the rate of 6% from the date of petition till deposit. Insurer to deposit the amount in three months.

Appeal is allowed in part