
(2011) 01 KAR CK 0148
In the Karnataka High Court
Case No : M.F.A. No. 5523 of 2009

Hanuman

APPELLANT

Vs

D. Ravi Kumar and Branch Manager The Oriental Insurance
Co. Ltd.

RESPONDENT

Date of Decision : 21-01-2011

Acts Referred:

Citation : (2011) 01 KAR CK 0148

Hon'ble Judges : N. Ananda, J

Bench : Single Bench

Advocate : K. Shanthuraj, for the Appellant; C. Shankara Reddy, for R2, for the Respondent

Judgement

N.Ananda, J.—This is a claimants' appeal for enhancement of compensation.

2. I have heard Sri. K. Shantharaj, learned Counsel for claimant and Sri.C. Shankar Reddy, learned Counsel for insurance company.

3. The Tribunal accepting the wound certificate and discharge summary has held that the claimant had suffered fracture of left (sic) with injuries to quadriceps muscles. The claimant has produced several bills and discharge summary. He had not examined the Doctor before the Tribunal.

4. The claimant was aged about 44 years at the time of accident. He was an agriculturist by occupation.

The Tribunal has awarded compensation of Rs. 25,000/-under following heads:

I Pain and suffering - Rs. 10,000 II Medical and other expenses - Rs. 15,000
Total _ Rs. 25,000 5. On reconsideration of the matter, I find that the Tribunal should have awarded compensation towards "loss of earnings during laid up period" and "loss of amenities". The compensation awarded by the Tribunal under the head "pain and suffering" is inadequate. Therefore, compensation awarded by the Tribunal is modified as follows;

I Pain and suffering - Rs. 15,000 II Medical expenditure - Rs. 15,000 III Loss of amenities - Rs. 10,000 IV Loss of earning during laid up period - Rs. 10,000
Total - Rs. 50,000 Thus, the claimant is entitled to total compensation of Rs. 50,000/-

6. In the result, I pass the following:

ORDER

(i) Appeal is accepted in part.

(ii) The impugned award is modified by-enhancing compensation of Rs. 25,000/- awarded by tribunal to Rs. 50,000/- however, interest for the period of delay in filing the appeal is disallowed.

(iii) The rest of the award as it relates to rate of interest, period of accrual of interest and liability of Respondents is confirmed.

Parties to bear their costs.