

(2011) 12 KAR CK 0375
In the Karnataka High Court
Case No : MFA No. 7722/ 2011 (MV)

H.N. Girish

APPELLANT

Vs

Deepak

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0375

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : R. Shashidhara, for the Appellant; A.N. Krishnaswamy For R2, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G. Ramesh

1. Delay of 49 days in filing the appeal is condoned. Claimant would not be entitled for interest for the delay period on the enhanced amount of compensation.

2. This appeal is by the claimant seeking for enhancement of compensation as against the award passed by the Senior Civil Judge, Additional MACT, Holakere, in MVC NO. 444/2009 dated 08.04.2011.

3. Claimant has sustained injuries in the accident occurred on 16.01.2009 due to the rash and negligent driving of the driver of the bus bearing No. KA-16-A-1025 near Chennagiri to Holalkere Taluk.

4. The Tribunal has awarded the compensation of Rs. . 1,31,660/- on the following heads;

Pain and Agony

Rs. 37,000,00

Loss of Amenities

Rs. 48,960,00

Loss of income, nourishment And attendant charge

Rs. 3,500.00

Medical expenses

Rs. 40,200.00

Miscellaneous

Rs. 2,000,00

TOTAL

Rs. 1,31,660/-

5. The claimant has sustained grievous injuries i.e., fracture of humerus and was said to be doing masons work and claims he suffered disability at 40 %, However, the tribunal taking the disability at 8% has awarded the compensation. The claimant has been awarded suitable compensation on all the heads. However, the Tribunal although has awarded compensation under the head loss of amenities, compensation has to be awarded towards loss of future earning, Hence, the claimant would be entitled to another sum of Rs. . 15,000/- towards loss of "incidental expenses" and another Rs. .15,300/- towards loss of future earning

6. Thus, claimant would be entitled for Rs. . 30,000/-over and above what has been awarded by the Tribunal, with 6% interest from the date of petition till deposit, Insurer to deposit the amount in three months.

Appeal is allowed in part.