

(2011) 11 KAR CK 0245

In the Karnataka High Court

Case No : Miscellaneous First Appeal 9291 / 2011 (MV)

Huliyappa

APPELLANT

Vs

Babu and Others

RESPONDENT

Date of Decision : 09-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0245

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Girish B. Baladare, for the Appellant; P.B. Raju, for R3, for the Respondent

Final Decision : Allowed

Judgement

Hon'ble Mr Justice Huluvadi G. Ramesh

1. This is a claimant's appeal seeking enhancement of compensation as against the award passed by the MACT, Arasikere in MVC 202/2008 on 31.7.2010.

2. On 2.5.2008, due to the head on collision between goods transport 407 vehicle bearing No. KA 06 A 819 and truck bearing No. KA 19 AA 2009, the claimant sustained injuries and he was treated conservatively at SSM Hospital, Hassan. As per the wound certificate, the claimant has sustained fracture of humerus and radius. The Tribunal having come to the conclusion that the accident was due to the negligence on the part of the driver of Lorry bearing No. KA 19 AA 2009. having awarded total compensation of Rs. 96,000/-, also awarded interest at the rate of 6%. Hence this appeal seeking enhancement of compensation.

3. Heard the counsel representing the parties.

4. The Tribunal has awarded compensation under the following heads:

Pain & Agony

Rs. 40,000/-

Medical Expenses

Rs. 30,000/-

Loss of income during laid up period

Rs. 12,000/-

Attendant & nourishment expenses

Rs. 4,000/-

Future medical expenses

Rs. 5,000/-

Loss of amenities & future unhappiness

Rs. 5,000/-

5. As per the evidence, claimant has sustained disability to the extent of 32% to the upper limb and around 10 - 11% to the whole body. Under loss of amenities, claimant is entitled for Rs. 20, 000/-. On the head loss future earnings due to disability, Rs. 40,000/- is awarded Thus, claimant would be entitled for another Rs. 60,000/- as compensation over and above what has been awarded by the Tribunal which shall carry 6% interest from the date of petition till deposit. Amount shall be deposited by the insurer within three months.

Appeal is allowed in part.

Mr P B Raju to file vakalath for the 3rd respondent in four weeks.