

(2011) 12 KAR CK 0042

In the Karnataka High Court

Case No : Miscellaneous First Appeal 9460 of 2011 (MV)

Jayamma

APPELLANT

Vs

MR Lingaiah and Chikkaputtegowda

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0042

Hon'ble Judges : Huluvadi G Ramesh, J

Bench : Single Bench

Advocate : MY Srinivasan, for the Appellant; Rajendra Prasad Assts., for R3, for the Respondent

Judgement

Hon"ble Mr Justice Huluvadi G Ramesh

1. Appeal is filed seeking enhancement of the compensation awarded by the MACT, Srirangapatna on 4.7.2011 in MVC 1659/2007.

2. Claimant sustained accident injuries on 9.8.2007 due to the negligence of the rider, of motor cycle bearing No. KA 11 L 3393 on Mysore Bangalore road near Srirangapatna and suffered fracture of the right shoulder and left clavicle. The doctor has assessed the disability at 16% to the whole body.

3. On the claim petition filed, Tribunal has awarded compensation of Rs. 1,21,000/- on the following heads:

Pain & suffering

Rs. 15,000/-

Medical expenses

Rs. 8,800/-

Incidental expenses

Rs. 10,000/-

Loss of amenities

Rs. 5,000/-

Loss of future income

Rs. 75.600/-

Loss of income (laid up)

Rs. 2.000/-

Future medical expenses

Rs. 5,000/-

4. Heard the counsel representing the parties.

5. Having regard to the nature of injuries sustained, claimant could be awarded another Rs. 15,000/- towards pain and suffering; Rs. 20,000/- towards loss of amenities; Rs. 8,000/- towards loss of income during laid up period; Rs. 10,000/- towards future medical expenses and Rs. 10,000/- towards loss of future income. Thus, claimant would be entitled to Rs. 63,000/- above the compensation awarded by the Tribunal out of which Rs. 53,000/- 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.

6. M/s Rajendra Prasad Associates to file vakalath for the insurer in four weeks.