

(2013) 01 KAR CK 0148
In the Karnataka High Court
Case No : M.F.A. NO. 31837 of 2009 (MV)

Katta Kashireddy

APPELLANT

Vs

Mohammed Chote Miyan, Aleem Shaik and The Oriental
Insurance Co. Ltd.

RESPONDENT

Date of Decision : 03-01-2013

Acts Referred:

Citation : (2013) 01 KAR CK 0148

Hon'ble Judges : Ravi Malimath, J

Bench : Single Bench

Advocate : K.M. Ghate, for the Appellant; Sanjay M Joshi, FOR R.3 and Notice
Dispensed V/o Dated: 14.09.11 of R.1 and R.2, for the Respondent

Judgement

Ravi Malimath

1. At the request of both learned counsels, the matter is taken up for final disposal.

The present appeal has filed by the claimant seeking enhancement. The accident and the liability are admitted.

The claimant is said to be petty businessman and was earning Rs. 6,000/- per month. The Tribunal held Rs. 100/- per day namely Rs. 3,000/- per month. The multiplier held by the Tribunal is just and proper. Following the judgment of Supreme Court reported in AIR 2011 Supreme Court 2951 in the case of Ramchandrappa vs. Manager Royal Sundram Alliance Insurance Co. Ltd. the accident is of the year 2004 and since the claimant is neither a daily wager nor coolie, it is appropriate to hold his monthly income at Rs. 4,500/-. Hence, the claimant is entitled to compensation towards loss of income due to disability as follows:

Rs. 4,500/- x 12 x 15 x 35% = Rs. 2,83,500/-

The amount of Rs. 50,000/- awarded towards loss of amenities is appropriate

and undisturbed. The amount towards medical expenses, pain and suffering as well as future medical expenses is appropriate and undisturbed. Due to the injuries, he would require atleast six months to recover from the said injuries. Hence a sum of Rs. 27,000/- (Rs. 4,500 x 6) towards loss of income during laid up period. He was in hospital for the period of six months, no amount has been awarded towards food and nourishment. Hence, a sum of the Rs. 30,000/- awarded on the said head.

In all the compensation is enhanced by a sum of Rs. 1,50,500/- (Rs. 5,90,500/- less Rs. 4,40,000/-) which shall carry interest at the rate of 6% p.a. from the date of the Petition till the date of payment and shall be paid within a period of 4 weeks from the date of receipt of copy of this order.