

(2001) 02 KAR CK 0103

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 1214 of 1999

Mohammad Haneef Usmansab

APPELLANT

Vs

The General Manager, Karnataka State Road Transport
Corporation and Another

RESPONDENT

Date of Decision : 23-02-2001

Acts Referred:

Citation : (2001) 02 KAR CK 0103

Hon'ble Judges : T.N. Vallinayagam, J.

Bench : Single Bench

Judgement

T.N. Vallinayagam, J.—Aggrieved by the inadequacy of the compensation granted by the III Additional Civil Judge (Senior Division) and C.J.M. Dharwad in M.V.C. No. 285 of 1996, dated 10.11.1998, the appellant/claimant is before this Court.

2. The Accident had occurred on 28.3.1996 at about 10-15 p.m. on P.B Road near NTTF bus stop involving the vehicle KSRTC, bus bearing registration No. KA-25/F-488 which resulted in injuries complained of by the claimant.

3. The finding of negligence in favour of the driver of the offending vehicle i.e. matador bearing No. KA_25/F-488 has become final in as much as no appeal has been preferred challenging the same by the owner.

4. The injuries sustained by the claimant/appellant are as follows:

1. Crush injury left leg at ankle around it 3 feet width bleeding. Deformity at 1/3rd leg. 5. This was spoken to by PW-2, Doctor Pundalikappa Sabanna Kaladagi as mentioned in Exs.P-4 and P-8. The Respondents have not adduced any oral or documentary evidence. The Tribunal after considering the oral and documentary evidence adduced has granted total compensation of Rs. 49,000/- under the following heads:

Rs. 1. Pain and suffering 15,000.00 2. Medical expenses and conveyance 10,000.00 3. Loss of earning during treatment 9,000.00 4. Towards future loss

of earning 5,000.00 5. Towards loss of amenities and enjoyment of life 10,000.00 6. In respect of injuries to a minor girl, the Delhi High Court granted Rs. 30,000/- in AIR 1982 Delhi 558. This Court has granted in the case of Prabhavathi Rs. 31,324/- for bright student of 15 years old who had 25% disability on the left leg reported also in 1979 ACJ 92 and AIR 1976 Kar 146. In the case of student of 20 years studying in the I Year B. Pharmacy in the medical college whose left leg had to be amputated was granted Rs. 58,000/- in the case of Gopalakrishnan reported in 1969 ACJ 34. The left leg of a boy aged 14 years had to be amputated as the same was crushed by the wheel of the car, he was awarded Rs. 50,000/- by the Rajasthan High Court reported in Tinsukhia Flour Mills, Tinsukhia (Assam) and Another Vs. Shiv Prakash and Others, . In the light of the above views of the various High Courts, I deem it proper to grant Rs. 49,000/- for one injury which is just, fair and proper, it does not call for interference.

7. In the light of the appeal filed by the North West Karnataka Road Central Office in Miscellaneous First Appeal No. 1551 of 1999, disposed of on 15.6.1999, from the very same M.V.C., I have my own doubts about the maintainability of the appeal and this appeal has also to be dismissed.

8. Accordingly the appeal is disposed of.