

**(2011) 07 KAR CK 0079**  
**In the Karnataka High Court**  
**Case No : M.F.A No. 13118 of 2007 (MV)**

Mohan Kumar M.R.

APPELLANT

Vs

The United India Insurance Co. Ltd. and Suresh

RESPONDENT

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**Date of Decision :** 22-07-2011

**Acts Referred:**

**Citation :** (2011) 07 KAR CK 0079

**Hon'ble Judges :** Subhash B. Adi, J

**Bench :** Single Bench

**Advocate :** Shripad V. Shastri, for the Appellant; L. Sreekanta Rao, for R1, for the Respondent

**Final Decision :** Allowed

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## Judgement

Mr. Justice Subhash B. Adi

1. This appeal is by the claimant seeking enhancement of compensation against the judgment and award dated 13-4-2007 passed in MVC No. 5546/2005 on the file of Motor Accident Claims Tribunal, Bangalore. The Tribunal has awarded compensation of Rs. 2,23,800/- with interest. It is not in dispute that the claimant had suffered fracture of both the bones of left leg. He was treated as an inpatient. The Doctor has assessed 45% disability to the limb and 15% disability to whole body. The claimant alleges that he is a real estate businessman and has got a petty shop. Though there is no functional disability as such, the Tribunal has taken 12% disability and income at Rs.3,000/-per month and awarded Rs. 64.800/- towards loss of future earnings. In all compensation has been awarded as under:

Sl. No.

Amount Rs.

1

Medical expenses

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93,000

2

Injury, pain and sufferings

35,000

3

Loss of future earnings of the petitioner

64,800

4

Future medical expenses does not carry any interest

8,000

5

Loss of amenities and enjoyment of life

15,000

6

Conveyance and nourishment and attendant charges

8,000

Total

2,23,800

2. As for as loss of amenities, pain and suffering and incidental expenses are concerned, reasonable compensation has been awarded. However, towards future medical expenses and the loss of income during laid up period, compensation requires to be awarded. Therefore, four months loss of income at Rs. 12,000/- is awarded and future medical expenses of Rs. 10,000/- is awarded. Therefore, the claimant is entitled for additional compensation of Rs. 22,000/- with interest. Accordingly, the appeal is allowed in part. The claimant is entitled to compensation of Rs. 22,000/- over and above the compensation awarded by the Tribunal with interest.