

(2013) 09 KAR CK 0277
In the Karnataka High Court
Case No : M.F.A. No. 431 of 2012 (MV)

Mr. Lingesh

APPELLANT

Vs

National Insurance Co. Ltd. and T. Chandrappa

RESPONDENT

Date of Decision : 13-09-2013

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2013) 09 KAR CK 0277

Hon'ble Judges : N.K. Patil, J

Bench : Single Bench

Advocate : Cuckoo Delhi, for the Appellant;

Final Decision : Dismissed

Judgement

N.K. Patil, J.—This appeal by the claimant-appellant is directed against the impugned judgment and award dated 12/09/2011 passed in MVC No. 5496/2008, by the XXI Additional Judge, Court of Small Causes and Member, Motor Accident Claims Tribunal, Court of Small Causes, Bangalore (ACMM-19), (hereinafter referred to as "Tribunal" for short) for enhancement, on the ground that, Rs. 30,000/- awarded by the Tribunal on account of the injuries sustained by the appellant in the road traffic accident is inadequate. In brief, the facts of the case are:

The appellant claims to be aged about 40 years and was hale and healthy prior to the accident. He met with an accident that occurred on 8.6.2008 at about 6.30 a.m. when he was moving as a pedestrian at 1st Cross, Opp. Telephone Office, Channapatna, on account of the rash and negligent driving by the rider of the motor cycle bearing No. KA.42.H.6546 and sustained grievous injuries all over the body. Immediately, he was shifted to Government hospital Channapatna and after first aid, he was taken to BGS hospital, where he took treatment as inpatient, underwent surgery and thereafter, on the advice of the Doctor, he has taken bed rest and follow-up treatment.

2. It is the further case of the appellant that, he spent considerable amount towards medical expenses, conveyance and other incidental charges. Due to the injuries sustained by the appellant, he has suffered permanent disability. Therefore, appellant has filed a claim petition before the Tribunal u/s 166 of MV Act, claiming compensation against the respondents.

3. The said claim petition had come up for consideration before the Tribunal. The Tribunal, after hearing both sides and after assessing the oral and documentary evidence, has allowed the said claim petition in part and awarded global compensation of Rs. 30,000/- as compensation under different heads with interest at 6% p.a., from the date of petition till its deposit. Being dissatisfied with the quantum of compensation awarded by the Tribunal, appellant has presented this appeal, seeking enhancement of compensation.

4. I have heard the learned counsel appearing for appellant.

5. Learned counsel for the appellant, at the outset submitted that, the global compensation of Rs. 30,000/- awarded by the Tribunal on account of the injuries sustained by the appellant in the road traffic accident is inadequate and it requires to be enhanced. To substantiate the said submission, he has taken me through para-12 of the judgment and submitted that, initially he was taken treatment at Government Hospital Channapatna and then shifted to BGS hospital, where he took treatment as inpatient for 2-3 days and spent reasonable amount towards medical expenses, conveyance and other incident charges. Further, he submits that non examining the Doctor who has treated him by the appellant will not disentitle him from getting reasonable compensation on account of the injuries sustained by him in the accident. Therefore, he submitted that the impugned judgment and award passed by the Tribunal is liable to be modified. After hearing the learned counsel for the appellant and after perusal of the impugned judgment and award passed by the Tribunal, it emerges that, the occurrence of the accident and the resultant injuries sustained by the appellant are not in dispute. Further, it emerges that, the Tribunal after considering the material available on record, taking into consideration the nature of injuries sustained by the appellant, the nature and duration of the treatment taken, and also taking into consideration his age and occupation, has awarded a global compensation of Rs. 50,000/- with interest at 6% p.a., from the date of petition till its deposit. The said compensation awarded by the Tribunal is just and reasonable. I do not find any error or unreasonableness in the compensation awarded by the Tribunal. Nor the appellant has made out any good grounds to entertain the relief sought in this appeal. Hence, the appeal filed by the appellant is dismissed as devoid of merits. Ordered accordingly.