

(2012) 08 KAR CK 0119

In the Karnataka High Court

Case No : Miscellaneous First Appeal 6645 / 2011 (MV)

Muniyamma

APPELLANT

Vs

Prathap Alur, Hassan and National Insurance Co. Ltd.

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0119

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Narendra Gowda, for the Appellant; A.N. Krishnaswamy, for R2, for the Respondent

Judgement

Huluvadi G. Ramesh

1. Claimant is in appeal seeking enhancement of compensation as against the award passed by the Fast Track Court, Channarayapatna in MVC 39/2011 on 23.5.2011. Claimant sustained injuries in the accident on 18.5.2008 around 2.00 p.m. when she was walking on the left side of the road near Akkanahalli Cross due to the negligence of the driver of the car bearing No.KA 03 MG 8907. She was treated at Nuggehalli Hospital, at Government Hospital,Chamarajanagar and at Nagesh Hospital, Channarayapatna and spent Rs. 20,000/- towards medical expenses. In the claim petition filed, Tribunal having held that the accident was due to the negligence on the part of the driver of the car in question, awarded compensation of Rs. 36,000/- on the following heads::

Pain & suffering

Rs. 15,000/-

Loss of income during treatment

Rs. 6,000/-

Medical Expenses

Rs. 10,000/-

Loss of amenities

Rs. 5,000/-

2. Not satisfied with the quantum of compensation, this appeal.

3. Heard the counsel representing the parties.

4. As per the wound certificate, claimant has suffered fracture of the proclavia and the fracture is said to be malunited. Claimant was eking out her livelihood by weaving baskets and earning Rs. 6,000/- p.m. As per the evidence of the doctor, she has suffered physical disability of 40% to the upper limb. Claimant was aged about 40 years as on the date of the accident.

5. Having regard to the nature of injuries sustained, claimant could be awarded another Rs. 10,000/- towards loss of amenities and enjoyment in life; Rs. 8,000/- towards diet, conveyance and nourishment. Though 40% disability is taken, it is not stated as to how it comes in the way of doing normal functions/ avocation. However, claimant would be entitled to Rs. 25,000/- towards loss of future earning. Thus, in all, claimant would be entitled to Rs. 43,000/- over and above what has been awarded by the Tribunal with 6% interest from the date of petition till deposit. Insurer to deposit the amount in three months. Appeal is allowed in part.