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**(2013) 12 KAR CK 0251**

**In the Karnataka High Court**

**Case No :** Miscellaneous First Appeal No. 787 of 2013 (MV)

Ranganatha

APPELLANT

Vs

Siddamma, Govinda and New India Assurance Co. Ltd.

RESPONDENT

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**Date of Decision :** 06-12-2013

**Acts Referred:**

**Citation :** (2013) 12 KAR CK 0251

**Hon'ble Judges :** S. Abdul Nazeer, J

**Bench :** Single Bench

**Advocate :** Raju Bhat, for the Appellant; R. Jaiprakash, for R3, for the Respondent

**Final Decision :** Allowed

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## **Judgement**

S. Abdul Nazeer, J.—This appeal by the claimant is directed against the judgment and award in MVC No. 717/2011 dated 28.9.2012 on the file of the Fast Track-III and Addl. MACT-IV, Shivamogga, whereby the Tribunal has awarded total compensation of Rs. 1,50,000/- with interest at 6% per annum from the date of the petition till the date of deposit. Learned Counsel for the appellant/claimant would contend that the claimant was a National Level Athlete. On account of the injuries sustained in the accident, he could not participate in any athletic events. It is further contended that after the disposal of the case, he had taken treatment for the injuries sustained by him in the accident. He could not produce the medical bills and certificates before the Tribunal. Therefore, he has filed an application-I.A. No. 2/2013 seeking production of the certificates and medical bills. It is argued that the Tribunal has not awarded appropriate compensation for the injuries sustained by him in the accident.

2. On the other hand, learned Counsel appearing for the respondent-Insurance Company has sought to justify the impugned judgment and award. It is further contended that the documents produced along with the application are not necessary to decide the question in controversy.

3. I have carefully considered the arguments of the learned Counsel made at the Bar and perused the materials placed on record.

4. There is no dispute as to the occurrence of the accident and the liability of the respondent-Insurance Company to pay the compensation.

5. According to the claimant, he is a National Level athlete. In the affidavit filed in support of the application I.A. No. 2/2013, he has assigned the reasons for non-production of the certificates and the medical bills before the Tribunal. I am of the view that the appellant should be permitted to produce the same for the just decision of the case. Consequently, I.A. No. 2/2013 is allowed and the claimant is permitted to produce the additional documents.

6. The Tribunal on the available materials on record has awarded total compensation of Rs. 1,50,000/-. The contention of the appellant is that he has lost the opportunity to participate in any of the athletic events on account of the permanent disability sustained by him in the accident. The appellant is entitled for appropriate compensation towards pain and suffering, loss of amenities and also towards loss of future prospects. If he establishes that he has incurred medical expenses after the disposal of the case for the injuries sustained by him in the accident, he is also entitled for the medical expenses. I am of the view that the matter requires reconsideration. In the result, the appeal succeeds and is accordingly allowed. The judgment and "award of the Tribunal in MVC No. 717/2011 dated 28.9.2012 is hereby set aside in so far as determination of the compensation is concerned. The matter is remitted back to the Tribunal for fresh disposal in accordance with law for re-determination of the quantum of compensation. The appellant is permitted to produce the documents filed along with I.A. No. 2/2013 before the Tribunal. The parties are permitted to lead further evidence, if they so desire. The Tribunal is directed to dispose of the matter within three months from the date of receipt of a copy of this order. No costs.