

(2011) 12 KAR CK 0348
In the Karnataka High Court
Case No : MFA MO. 2852 of 2011 (MVC)

Ravi

APPELLANT

Vs

CM. Ravi and The Divisional Manager The Oriental Insurance
Co Ltd.

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0348

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : M.Y. Sreenivasan, for the Appellant; E.S. Indresh for R2, for the
Respondent

Judgement

Huluvadi G. Ramesh

1. Misc. Cvl.No. 7017/2011 filed for condonation of delay of 98 days in preferring the appeal is allowed. Delay is condoned subject to the condition that claimant would not be entitled for interest for the delay period on the enhanced amount of compensation.

2. This appeal is by the claimant seeking for enhancement of compensation as against the award passed by the Civil Judge (SR.DN) MACT, Maddur in MVC No. 94/2008 dated 09.09.2010.

3. Tribunal has awarded the compensation of Rs. 67,066.00/- on the following heads.

Pain & suffering

Rs. 10,000.00

Medical expenses

Rs. 14,066.00

Attendant charges, special diet etc

Rs. 5,000.00

Loss of Future Earning or Earning capacity

Rs. 54,000.00

Loss of amenities and Enjoyment of life

Rs. 5,000.00

Loss of income during rest

Rs. 6,000.00

Loss of future earning capacity

Rs. 27,000.00

TOTAL

Rs. 67,066.00/-

4. Claimant has sustained injuries in the accident occurred on 13.12.2007 at about 01:00 near Mandya due to the rash and negligent driving of the driver of the Motor cycle bearing No. KA.-11-K8113. The claimant has sustained grievous injuries i.e., fracture of left shaft humerus and was treated at Hospital in Mandya and thereafter was shifted to Shilpa Nursing Home, Mandya.

5. Having regard to the nature of injuries sustained, claimant. would be entitled for another sum of Rs. 5,000/- towards Medical expenses" another sum of Rs. 15,000/- towards "pain and suffering", another sum of Rs. 10,000/- toward "loss of amenities and enjoyment in life", another sum of Rs. 15,000/- towards "loss of future earning" and another sum off. 10,000/- "incidental expenses".

6. Thus, claimant would be entitled for Rs. 55,000/- 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.