

(2013) 11 KAR CK 0251
In the Karnataka High Court
Case No : M.R.A. No. 1534 of 2013 (MV)

Ravichandra

APPELLANT

Vs

The Manager, ICICI Lombard General Insurance Co. Ltd. and
Another

RESPONDENT

Date of Decision : 07-11-2013

Acts Referred:

Citation : (2014) 1 AKR 693

Hon'ble Judges : S. Abdul Nazeer, J

Bench : Single Bench

Final Decision : Partly Allowed

Judgement

S. Abdul Nazeer, J.—This appeal by the claimant is directed against the judgment and award in MVC No. 1822/2011 dated 12.09.2012 on the file of the Court of the FTC and Motor Accident Claims Tribunal at Hassan, whereby the Tribunal has awarded total compensation of Rs. 99,000/- with interest at 6% per annum from the date of the petition till realization. The contention of the learned counsel for the appellant/claimant is that the claimant had sustained grievous injuries in the accident. The Doctor in his evidence has stated that the claimant had sustained 17% permanent disability to his right upper limb and was hospitalized for 13 days. The Tribunal has not awarded any compensation towards loss of amenities or loss of earning during the treatment period.

2. On the other hand, learned Counsel appearing for the respondent-Insurance Company has sought to justify the impugned judgment and award.

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 compensation. Having regard to the contentions urged, the only question arises for consideration is as to whether the compensation awarded by the Tribunal is adequate?

5. It has come in the evidence of the Doctor that the claimant had sustained 17% permanent disability to the right upper limb. He was hospitalized for 13 days. He has to live with the permanent disability throughout his life. The Tribunal has not awarded any compensation towards loss of amenities. No compensation has been awarded towards loss of income during the treatment period. I am of the view that it is just and proper to award an additional compensation in a sum of Rs. 30,000/- with interest at 6% per annum from the date of the application till the date of deposit. In the result, the appeal succeeds and it is accordingly allowed in part. The respondent-Insurance company is directed to deposit a sum of Rs. 30,000/- with interest at 6% per annum from the date of the application till the date of deposit within a period of eight weeks from the date of receipt of a copy of this order. The appellant is permitted to withdraw the amount on its deposit. No costs.