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**(2014) 09 KAR CK 0319**

**In the Karnataka High Court**

**Case No :** Miscellaneous First Appeal No. 32111/2010 (MV)

Santosh

APPELLANT

Vs

Girish

RESPONDENT

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**Date of Decision :** 11-09-2014

**Acts Referred:**

**Citation :** (2014) 09 KAR CK 0319

**Hon'ble Judges :** Ravi V. Malimath, J

**Bench :** Single Bench

**Advocate :** Sachin M. Mahajan, Advocate for the Appellant; Sumitra H, Advocate for the Respondent

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## **Judgement**

Ravi V. Malimath, J.—Aggrieved by the order of the Tribunal the claimant has filed this appeal seeking enhancement of compensation. The accident and the liability are "admitted.

2. The accident took place on 11.12.2007. The claimant is said to be running a kirana shop with trade licence. The Tribunal held his income at Rs. 3,000/- per month. The same is inappropriate. Following the Judgment of the Supreme Court in the case of Sri Ramachandrappa Vs. The Manager, Royal Sundaram Alliance Insurance Company Limited, , it is appropriate to hold his income at Rs. 7,000/- per month. The disability and the multiplier adopted by the Tribunal is appropriate. Hence the loss of income works out as follows;

Rs. 7,000/- x 12 x 18 x 30%= Rs. 4,53,600/-&&

3. The amount awarded towards loss of expectation of life is undisturbed. A sum of Rs. 20,000/- awarded towards loss of amenities, is enhanced by a further sum of Rs. 20,000/-. Rs. 25,000/- awarded towards pain and suffering, is enhanced by a further sum of Rs. 25,000/-. He was in the hospital for 21 days. Hence a sum of Rs. 21,000/- is awarded towards food, diet, conveyance, nourishment etc. He would be disabled atleast for six months. Hence a sum of Rs. 42,000/- (Rs. 7,000/- x 6) is awarded towards loss of income during the laid up period.

The amount awarded towards medical expenses is appropriate and undisturbed. Rs. 15,000/- is awarded towards litigation expenses.

4. The compensation now awarded is as follows:

Hence, the compensation is enhanced by a sum of Rs. 3,67,200/- (Rs. 7,06,600/- less Rs. 3,39,400/-) which shall carry interest at the rate of 9% per annum from the date of the petition till the date of payment to be settled within eight weeks from the date of receipt of copy of this order. The amount in deposit be transmitted to the Tribunal for necessary orders.