

(2011) 12 KAR CK 0187

In the Karnataka High Court

Case No : Miscellaneous First Appeal 7993 / 2011 (MV)

Shankar Gowda

APPELLANT

Vs

Hemesh and Manager National Insurance Co Ltd Sri
Manjunntheswara Complex Bus Stared Rood, Hassan

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0187

Hon'ble Judges : Huluvadi G Ramesh, J

Bench : Single Bench

Advocate : Narandra Gowda, for the Appellant; Gangadhar Sangolli, for R2, for the Respondent

Final Decision : Allowed

Judgement

Hon"ble Mr Justice Huluvadi G Ramesh

1. This is a claimant"s appellant seeking enhancement of compensation awarded by the MACT II, Hassan in MVC 2302/2009 on 21.7.2011.

2. Claimant sustained fracture of the left fore arm in the accident on 14.4.2009 due to the negligence of the driver of autorickshaw bearing No.KA 18 6927. On the claim petition. Tribunal after inquiry, awarded compensation of Rs.46,300/- on the following heads:

Pain and suffering

Rs. 15,000/-

Medical and incidental charge

Rs.2,500/-

Loss of earning due to disability

Rs.28,800/-

3. Heard the counsel representing the parties.
4. As per the medical evidence, there is fracture of the left Ulna and other four injuries on the fore arm, right hand and chest. Claimant has also sustained disability of 20% to the left upper limb.
5. Having regard to the nature of injuries sustained, claimant could be awarded another Rs.10,000/- towards pain and suffering; Rs.15,000/-towards loss of amenities and enjoyment in life; Rs. 10,000/- towards incidental expenses and Rs.5,000/- towards loss of earning during laid up period. Thus, claimant would be entitled to Rs.40,000/- 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.
6. Appeal is allowed in part.
7. Mr Gangadhar Sangolli to file vakalath for the insurer in four weeks.