

(2011) 12 KAR CK 0041

In the Karnataka High Court

Case No : Miscellaneous First Appeal 9461 of 2011 (MV)

Shivanna

APPELLANT

Vs

Somanth Dutta PG/00/4/V/07/00186 BB Ghosh Road, PO/PS
Burdwan District West Bengal and Branch Manager Oriental
Insurance Co. Ltd. Br. Off. MH Boraiah Bldg. VV Road,
Mahdya

RESPONDENT

Date of Decision : 02-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0041

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : MY Srinivasan, for the Appellant; KK Vasanth, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G Ramesh

1. Appeal is filed seeking enhancement of compensation awarded by the MACT, Pandavapura on 23.6.2011 in MVC 616/2009.

2. Claimant sustained fracture of the left clavicle in the accident on 31.7.2009 due to the negligence of the rider of lorry bearing No. WB 41 D 3805 near Vaddarahalli. On the claim petition filed, Tribunal after inquiry, awarded compensation of Rs. 85,535/- on the following heads:

Medical Expenses

Rs. 6,535/-

Pain and agony

Rs. 10,000/-

Food & nourishment

Rs. 12,000/-

Loss of income during treatment

Rs. 3,000/-

Loss of future income

Rs. 54,000/-

3. Heard the counsel representing the parties.

Claimant has sustained one grievous injury i.e., dislocation of the left clavicle joint and other injuries like bleeding in left temple and injury to the zygomatic arch and left temporal scalp.

4. Having regard to the nature of injuries sustained, claimant could be awarded another Rs. 10,000/- towards pain and suffering; Rs. 10,000/- towards loss of amenities and enjoyment in life; Rs. 5,000/- towards incidental expenses and Rs. 3,000/- for loss of income during laid up period. Thus, claimant would be entitled to Rs. 28,000/- 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.

5. Appeal is allowed in part.

6. Mr. K K Vasanth to file vakalat for the insurer in four weeks.