

(2012) 01 KAR CK 0093

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 6803 of 2007 (MV)

Siddareddy

APPELLANT

Vs

United India Insurance Co. Ltd.

RESPONDENT

Date of Decision : 11-01-2012

Acts Referred:

Citation : (2012) 01 KAR CK 0093

Hon'ble Judges : K. Govindarajulu, J;K. Bhakthavatsala, J

Bench : Division Bench

Advocate : Girimallaiah, for the Appellant; M. V. Chandrashekara Reddy, for R-1 and R-2 is served, but un-represented, for the Respondent

Final Decision : Allowed

Judgement

1. We have heard arguments of the learned Counsel for the appellant and respondent No. 1. The Tribunal has awarded compensation in favour of the claimant as under:

(i) Pain and suffering

(in Rs.)

18,000-00

(ii) Medical expenses, special diet and attendant charges

12,000-00

(iii) Loss of future earning (Rs. 3,500/-x8%x12x10)

33,600-00

(iv) Loss of earning during the period of treatment and ret (Rs. 3,500/-x2 months)

7,000-00

Total

70,600-00

2. The claimant sustained anteromedial instability of left knee joint with medial collateral ligament and anterior cruciate ligament injury. P.W3/Medical Officer has deposed about treating the claimant in Bhaanu Nursing Home from 18.10.2003 to 22.10.2003. Government of Karnataka has issued a certificate stating that the claimant is a best agriculturist. There is no impediment to hold that the claimant is an agriculturist by profession. The Medical Officer has deposed that he examined the claimant and found restriction in knee movements, wasting of muscles, restriction of left ankle movements and mild medial collateral instability present. He has assessed permanent disablement at 15% of the whole body. The Tribunal has fixed permanent disablement at 8% of the whole body and taking into consideration the age of the claimant, the Tribunal has applied multiplier 10. Taking into consideration the nature of injuries sustained and resulted in permanent, the claimant is entitled for compensation as under:

in Rs.)

(i) Pain and suffering

30,000-00

(ii) Attendant, conveyance, special diet and incidental expenses

10,000-00

(iii) Loss of earning during the period of treatment and rest (Rs. 3,500/-x3 months)

10,500-00

(iv) Medical expenses (past and future)

10,000-00

(v) Loss of amenities

20,000-00

(vi) Loss of future earning (Rs. 3,500/-x8%x12x10)

33,600-00

Total

1,14,100-00

Less: Compensation awarded by the Tribunal

70,600-00

Balance

43,500-00

3. In the result, the Appeal is partly allowed, holding that the appellant/claimant is entitled for additional compensation of Rs. 43,500/- along with costs and interest at the rate of 6% per annum from the date of Petition till realisation. Accordingly, the impugned judgment and award are modified. Respondent No. 1/ Insurance Company is directed to deposit the additional compensation amount along with costs and interest with the Tribunal within 3 months from today.