

(2011) 12 KAR CK 0159
In the Karnataka High Court
Case No : MFA No. 4470 of 2010 (MV)

Smt. Lurdhamma

APPELLANT

Vs

P. Ramesh Kumar, The Oriental Insurance Company Ltd. and
Prakash

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0159

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Patel D. Karegowda, for the Appellant; R. Gopal, for R2, R-1 and 3
Notice dispensed with, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G. Ramesh

1. This MFA coming on for admission this day, the Court delivered the following: -

This appeal is by the claimant (Mother) seeking enhancement of compensation as against the judgment and award dated 24.09.2009 in MVC Ho. 1468/2006 passed by the Civil Judge (Sr.Dn) and Addl. MACT, Sira.

2. The deceased Naveen Kumar @ Naveen Prabhu Y.J. died in the road traffic accident that occurred on 30.10.2006 at about 6.30 pm near Kuntegowdanahallid gate on service road near Sira due to the negligence of the driver of the Lorry bearing No. KA.06 A 2403. The Tribunal, on consideration of material on record, has awarded compensation of 2,04,000/- with interest at 6% p.a. from the date of petition till the date of realization. Dissatisfied with the award, the mother - claimant is in appeal seeking enhancement of compensation.

3. Heard

4. According to the learned counsel for the appellant, the deceased was earning more than Rs. 6,000/- per month. The Tribunal has taken meager income and

awarded compensation..

5. The age of the mother of the deceased is shown as 45 years as on the date of the accident. Appropriate multiplier to be adopted is 14. Taking the monthly income as 4,500/- after deducting 50% towards his personal expenses, contribution towards family would come to- Rs. 2,250/- "Loss of Dependency would come to 3,78,000/- ($2,250 \times 12 \times 14 = 3,78,000/-$). A sum of Rs. 45,000/- is awarded towards "Conventions Heads". Thus, the claimant is entitled to a JUNE of Rs. 4,23,000/- ($\text{Rs. } 3,78,000 + \text{Rs. } 45,000 = \text{Rs. } 4,23,000/-$ in modification of the award of the Tribunal with interest at 6% p.a. from the date of petition till deposit.

The insurer shall deposit the amount within three months. Appeal is allowed in part.

Sri. Rajagopa; learned counsel for the 2ND respondent - Insurer is permitted to file vakalath to four week.