

(2012) 08 KAR CK 0118
In the Karnataka High Court
Case No : M.F.A. No. 2356 of 2012 (MV)

Soma Hanumaiah

APPELLANT

Vs

Mahesha

RESPONDENT

Date of Decision : 08-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0118

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Kavitha H.C, for the Appellant; S T. Rajashekar, for R2, for the Respondent

Judgement

Huluvadi G. Ramesh

1. This appeal is filed by the claimant for enhancement of compensation against the award dated 18.02.2011 in MVC No. 873/2010 passed by the Presiding Officer and Additional MACT, Fast Track Court, Hassan. The case of the claimant is that, on 14.04.2010 at about 1.30 p.m., when the claimant was waiting for the bus near Dildaar Hotel, Santhepet, Hasan, at that time, the rider of the bike bearing Reg.No. KA-13-U-1878 came from opposite side in a rash and negligent manner and dashed against him.

2. In the claim petition filed, the Tribunal having held that the accident was due to the negligence on the part of the driver of the motor bike in question, awarded compensation of Rs. 2,10,000/- with 6% interest p.a. on Rs. 1,95,000/- from the date of petition till realization. Being not satisfied with the award, the claimant is before this Court.

3. Heard.

4. In the accident, the claimant is said to have been sustained dislocation of left elbow, fracture of left radius, fracture of ulna, fracture of L1 Vertebra and other injuries resulting in permanent disability of 29.5% to the left hand.

5. The Tribunal after enquiry awarded a total compensation of Rs. 2,10,000/- on the following heads:

Sl.No.

HEADS

AMOUNT Rs.

1

Pain and suffering

50,000/-

2

Loss of income due to hospitalisation

2,000/-

3

Attendant expenses

3,000/-

4

Medical expenses

55,000/-

5

Loss of amenities

15,000/-

6

Loss of future income

60,000/-

7

Future medical expenses

15,000/-

8

Nutrition of food

10,000/-

TOTAL

2,10,000/-

6. Having heard the learned counsel for the appellant and the Insurer, I'm of the view that the claimant is entitled for enhancement on the following heads.

Sl. No.

HEADS

AMOUNT Rs.

1

Loss of income during hospitalisation

10,000/-

2

Diet and Conveyance charges

5,000/-

3

Loss of amenities and enjoyment in life due to disability

10,000/-

Accordingly, the appeal is allowed in part. The claimant is entitled for another sum of Rs. 25,000/- over and above the compensation awarded by the Tribunal with 6% interest p.a. from the date of petition till deposit. The respondent-Insurer to deposit the amount within three months from today.