

(2011) 12 KAR CK 0275

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 2043 of 2011 (MV)

Sri. M. Lakshmana

APPELLANT

Vs

Sri. Malleshappa

RESPONDENT

Date of Decision : 05-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0275

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Sumanth L. Bharadwaj, for the Appellant; M. Arun Ponnappa for R2, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G. Ramesh, J.—Delay of 258 days in filing the appeal is condoned subject to the condition that appellant would not be entitled for interest for the delay period on the enhanced amount of compensation. Mise.Cvl.5013/2011 is allowed.

2. This appeal is by the claimant seeking enhancement of compensation as against the award passed by the Civil Judge (Sr.Dn.) and Addl. MACT, Hiriya in MVC No.257/2008.

3. The claimant has sustained injuries in the accident occurred on 10.1.2008 due to the negligence of the rider of the motorcycle bearing No.KA16 K. 2446 near Hiriya. He has sustained fracture of the right mandible and fracture of condyle of right humerus. The Tribunal has awarded a total compensation of Rs.45,000/- on the following heads:

Medical expenses

Rs. 8,000/

Loss of earning during treatment

Rs. 4,000/-

Pain and suffering

Rs 33,000/-

Being not satisfied, the claimant is before this Court.

4. Heard.

5. The claimant has not been awarded compensation on the head, loss of amenities and enjoyment in life. On that head, Rs. 15,000/- could be awarded. Another Rs. 10,000/- could be awarded towards incidental expenses and another Rs.5,000/-towards loss of earning during the period of treatment and rest. Thus, claimant would be entitled for Rs.30,000/- 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.

Appeal is allowed in part.

Sri. Arun Ponnappa is permitted to file his vakalath within four weeks.