

(2011) 12 KAR CK 0148

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 2045 of 2011 (MV)

Sri. Mohamed Nayazull @ Nayazulla

APPELLANT

Vs

Sri. E. Manjunatha

RESPONDENT

Date of Decision : 12-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0148

Hon'ble Judges : Huluvadi. G. Ramesh, J

Bench : Single Bench

Advocate : Sumanth L Bharadwaj, for the Appellant; K.N Srinivas, for R2, for the Respondent

Judgement

Huluvadi. G. Ramesh

1. Delay of 171 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. Misc.Cvl.5010/2011 is allowed.

2. This appeal is by the claimant seeking enhancement of compensation as against the award passed by the Civil Judge (Sr.Dn.) & Addl. MACT, Hiriur in MVC No. 270/2008.

3. Claimant has sustained injuries in the accident occurred on 8.2.2007 near Hiriur due to the negligence of the driver of the Ambassador car bearing No. CKQ 7166. Claimant has sustained fracture of distal end of radius. He was treated at Government Hospital, Hiriur. The Tribunal has awarded a total compensation of Rs. 59,400/- under the following heads:

Pain and suffering

Rs21,000/-

Medical expenses

Rs. 3,000/-

Loss of income during treatment

Rs. 3,000/-

Loss of earning due to disability

Rs. 32,400/-

Being not satisfied, the claimant is before this Court.

4. Heard.

5. The Tribunal having taken into consideration the claimant has suffered 5% disability to the whole body i.e., 15% functional disability to the particular limb as per the evidence of the Doctor, has awarded the compensation. On the head, loss of amenities and enjoyment in life, nothing has been awarded. He could be awarded Rs. 15,000/- under that head. Rs. 10,000/- could be awarded towards incidental expenses and another Rs. 5,000/- towards loss of income during the laid up period. 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.