

(2012) 03 KAR CK 0013

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 4425 of 2008 (MV)

Sri. Srinivasa B.

APPELLANT

Vs

Smt. N.S. Surekha and Others

RESPONDENT

Date of Decision : 14-03-2012

Acts Referred:

Citation : (2012) 03 KAR CK 0013

Hon'ble Judges : B. Sreenivase Gowda, J

Bench : Single Bench

Advocate : Prakash Hegde K, for the Appellant; R. Jaiprakash . Advocate For R.2, R. 1 and R.3 are Served, for the Respondent

Final Decision : Allowed

Judgement

B. Sreenivase Gowda

1. This appeal is by the claimant seeking enhancement of compensation awarded by the Tribunal. Although the appeal is listed in the orders list, it is heard, admitted and with the consent of learned Counsel appearing for the parties, it is taken up for final disposal.

2. As there is no dispute regarding injuries sustained by the claimant in a road traffic accident occurred on 01.07.1998 due to rash and negligent driving of bus bearing registration No. MEC-3595 by its driver and liability of the insurer of the offending vehicle, the only point that, remains for my consideration in the appeal is:

Whether compensation of Rs. 10.000/-with interest at 6% p.a. awarded by the Tribunal is just and proper or does it call for enhancement?

3. As per wound certificate Ex. P 3, claimant has sustained three injuries, out of them one is grievous and other two are simple in nature. Injuries sustained by him are also evident from discharge certificate Ex P 5, OPD slips Ex. P 6 and P 7, Prescriptions Ex. P 8 to P 12 and supported by oral evidence of the claimant

examined as P.W. 1. He has not examined the doctor regarding disability. Ex P 5 OPD slip of K.M.C. Manipal which has diagnosed that there is no fracture in the skull or in spinal injury.

4. Considering the nature of injuries and treatment taken by the claimant, Rs. 20,000/- towards pain and suffering and Rs. 10,000/- is awarded towards medical and incidental expenses.

5. The claimant is working as a Head Master and he has not produced any document regarding leave taken by him for treatment and he has not examined the doctor regarding disability. Therefore, no compensation could be awarded towards loss of income during laid up period, loss of amenities and loss of future income.

6. Thus the claimant is entitled for the following compensation:

1) Pain and suffering

Rs. 20,000/-

2) Medical and Incidental expenses

Rs. 10,000/-

Total

Rs. 30,000/-

Less compensation awarded By the Tribunal

Rs. 10,000/-

Additional compensation comes to Rs. 20,000/-

7. Accordingly the appeal is allowed in part and the judgment and award of the Tribunal is modified to the extent stated herein above. The claimant is entitled for an additional compensation of Rs. 20,000/- with interest but excluding interest for 331 days at 6% p.a. from the date of claim petition till the date of realisation. The Insurance Company is directed to deposit the additional compensation amount together with interest but excluding interest for 331 days within two months from the date of receipt of a copy of this judgment and the same is ordered to be released in favour of the claimant. No order as to costs.