

(2012) 08 KAR CK 0106

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 8584 of 2011

Sri Venkatarama Shetty

APPELLANT

Vs

The Managing Director, KSRTC and United India Insurance
Company Limited

RESPONDENT

Date of Decision : 01-08-2012

Acts Referred:

Citation : (2012) 08 KAR CK 0106

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : K.P. Bhuvan, for M/S. Purna, Law Associates, for the Appellant; D. Vijay Kumar, Advocate for Respondent-1 and Respondent-2, for the Respondent

Judgement

Huluvadi G. Ramesh

1. This appeal is by the appellant - claimant against the judgment and award dated 31.12.2010 passed in MVC No. 248/2009 on the file of the Additional MACT and Additional Civil Judge (Sr.Dn.) at Ramanagara. The appellant - claimant sustained injuries in the accident that occurred on 5.11.2008 at 10 a.m., while he was going on TVS Moped bearing registration No. KAO2 HA 6682, a BMTC bus bearing registration No KAO1 F 2083 driven by its driver dashed against the moped of the appellant. Due to which, the appellant - claimant sustained grievous injuries to his left leg. The disability is assessed at 77% to his limb and at 26% to his whole body. Surgery is conducted and internal fixation is done.

2. On the claim petition filed, the Tribunal having held that the accident was on account of the negligence by the driver of the bus in question, awarded a total compensation of Rs. 2,64,400/- under the following heads:

i. pain, shock and agony

Rs. 20,000/-

ii. Towards medical expenses

Rs. 75,500/-

iii. loss of income

Rs. 7,000/-

iv. Attendant charges

Rs. 3,500/-

v. Loss of future income

Rs. 1,40,400/-

vi. future medical expenses

Rs. 18,000/-

Total

Rs. 2,64,400/-

Being not satisfied with the compensation awarded, the appellant is before this Court seeking enhancement of compensation.

3. Heard the learned counsel appearing for the appellant and the learned counsel appearing for the respondents. Looking to the nature of injuries, I deem it fit to award a sum of Rs. 10,000/- under the head pain and suffering, a sum of Rs. 10,000/- towards incidental and attendant charges, a sum of Rs. 8,000/- towards loss of income during the period of treatment and a further sum of Rs. 25,000/- is awarded towards loss of amenities and enjoyment in life. Thus, in all the claimant would be entitled to Rs 53,000/- over and above what has been awarded by the Tribunal with interest @ 6% per annum from the date of petition till the date of deposit. The respondents to deposit the award amount within three months from the date of receipt of a certified copy of the order. Accordingly, the appeal is allowed in part.