

(2011) 12 KAR CK 0253
In the Karnataka High Court
Case No : MFA No. 2304 of 2011 (MV) (GEN) (SJ)

Susheelamma

APPELLANT

Vs

Pavan Kumar V and Divisional Manager KSRTC, Davanagere
Depot, Davanagere

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0253

Hon'ble Judges : Huluvadi G. Ramesh, J

Bench : Single Bench

Advocate : R. Shashidhara, for the Appellant; B.L. Sanjeev for R2, for the Respondent

Final Decision : Allowed

Judgement

Huluvadi G. Ramesh

1. Misc. Cvl.No. 5701/2011 filed for condonation of delay of 192 days in preferring the appeal is allowed, Delay is condoned subject to the condition that claimant would not be entitled for interest for the delay period on the enhanced amount of compensation.

2. This appeal is by the claimant seeking for enhancement of compensation as against the award passed by the VI Additional MACT, Davanagere in MVC No. 262/ 2009 dated 31.05.2010

3. The Tribunal has awarded the compensation of Rs. 73,800.00/- on the following heads:

Medical Expenses and Incidental charges

Rs. 2,000.00

Injury pain and suffering

Rs. 15,000.00

Loss of future income

Rs. 46,800.00

LOSS of amenities of life And discomfort

Rs. 10,000.00

TOTAL

Rs. 73,800,00/-

4. Claimant has sustained injuries in the accident occurred on 02.04.2008 near Eachgatta Bullapura Road due to the rash and negligent driving of the driver of the Bus bearing No. KA-17-F-574. The claimant has sustained grievous injuries i.e., fracture of left patella.

5. Having regard to the nature of injuries sustained, claimant would be entitled for another sum of Rs. 10,000/- towards "pain and suffering" another sum of Rs. 10,000/- towards "loss of amenities and enjoyment in life, smother stun of Rs. 6,000/- towards loss of future earning and another sum of Rs. 6,000/- towards loss of future earning and incidental expenses".

6. Thus, claimant would be entitled for Rs. 32,000/- 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.