

(2011) 12 KAR CK 0374
In the Karnataka High Court
Case No : MFA No. 7325 of 2011 (MV) (SJ)

Thayamma

APPELLANT

Vs

The Manager The Oriental Insurance Co. Ltd. and H.B
Narashimamurthy

RESPONDENT

Date of Decision : 07-12-2011

Acts Referred:

Citation : (2011) 12 KAR CK 0374

Hon'ble Judges : Kuluvadi G. Ramesh, J

Bench : Single Bench

Advocate : Girish B. Baladare, for the Appellant; S.Y. Shivalli, For R1, for the Respondent

Final Decision : Allowed

Judgement

Kuluvadi G. Ramesh

1. Delay of 106 days in filling the appeal subject to the condition, that claimant would not be entitled for interest for the delay period on the enhanced amount of compensation, condoned and no interest will be paid for the laid-up period.
2. This appeal is filed the seeking enhancement of compensation passed by the Principal Civil Judge (Sr.Dn.,) Additional MACT, Hassan in MVC No. 2028/2008 dated 21.12.2010
3. Claimant has sustained injuries in the accident occurred on 07.06.2008 at about 9 a.m., at Hassan Tiptu Road due to the rash and negligent driving of the driver of the Lorry bearing No. MY 6969. The claimant has sustained grievous injuries i.e., fracture of left clavicle and the abrasion over left ankle.
4. The Tribunal has awarded compensation of Rs. 55,000/- on the following heads:

Pain and agony

Rs. 20,000-00

Loss of income during treatment Conveyance and nourishwent

Rs. 15,000-00

Medical expenses

Rs. 5,000-00

Future amenities

Rs. 10,000-00

Loss of amenities

Rs. 5,000-00

TOTAL

Rs. 55,000-00

Heard.

The claimant is said to have suffered disability of 10% to the left hand and disability between 3% to 4% to the whole body. Taking into consideration, the disability at 3% to the whole body, the claimant would be awarded another sum of Rs. 15,000/- under the head loss of future earning", another sum of 1,13,000 towards loss of amenities and enjoyment in life and another sum of Rs. 3,000/- towards on the head of incidental expenses".

Thus, the claimant entitled for Rs. 33,000 over and above the compensation awarded by the Tribunal along with interest at 6% p.a. from the date of petition till deposit.

The Insurer shall deposit the amount within three months.

Appeal is allowed in part.