

(2011) 02 KAR CK 0013
In the Karnataka High Court
Case No : M.F.A. No. 3646 of 2009

Vasudeva Naik

APPELLANT

Vs

Mr. Siddique T and The New India Assurance Co. Ltd.

RESPONDENT

Date of Decision : 04-02-2011

Acts Referred:

Citation : (2011) 02 KAR CK 0013

Hon'ble Judges : N. Ananda, J

Bench : Single Bench

Advocate : H. Pavana Chandra Shetty, for the Appellant; O. Mahesh, for R2, for the Respondent

Judgement

N. Ananda, J.—This is a claimant's appeal for enhancement of compensation.

2. I have heard Sri. H. Pavanachandra Shetty, learned Counsel for claimant and Sri. O. Mahesh, learned Counsel for insurance company.

3. As per the wound certificate produced by claimant, he has suffered following injuries:

- a) Lacerated wound over the fore head measuring 10 cms x 4 cms.
- b) Head injury
- c) Fracture of frontal bone
- d) Fracture of inferior pubic rami right

4. This wound certificate was issued by Hitech Medicare Hospital and Research Centre at Udupi. The claimant has not examined the Doctor who treated him. He has not produced the case sheet and not even produced the CT Scan report to show any injury to brain. The claimant has produced discharge summary which does not contain the information relating to treatment given to him or his condition at the time of discharge.

5. The Tribunal "has awarded compensation of Rs. 64,100/- under following heads:

I Pain and suffering

Rs. 35,000

II Conveyance

Rs. 2,000

III Attendant and nourishing food

Rs. 3,000

IV Medical expenses

Rs. 5,100

V Loss of income during treatment period

Rs. 9,000

VI Discomfort and loss of amenities

Rs. 10,000

Total

Rs. 64,100

6. On hearing the learned Counsel for parties and on reconsideration of the matter, I find that compensation awarded by the Tribunal under the head "loss of amenities" is on lower side; so also, "loss of income during laid up period". Therefore, additional compensation of Rs. 10,000/- is awarded under the head "loss of amenities" and additional compensation of Rs. 6,000/- is awarded under the head "loss of earning during laid up period". Apart from this, I do not find any discrepancy in the compensation awarded under other heads.

Thus, claimant is entitled to total compensation of Rs. 80,100/- rounded off to Rs. 80,000/-.

7. In the result, I pass the following:

ORDER

(i) Appeal is accepted in part.

(ii) The impugned award is modified by enhancing compensation of Rs. 64,100/- awarded by tribunal to Rs. 80,000/-

(iii) The rest of the award as it relates to rate of interest, period of accrual of interest and liability of Respondents is confirmed.

(iv) The payment and investment shall be in the ratio evolved by the tribunal.

Parties to bear their costs.