

(2018) 03 KAR CK 0012

In the Karnataka High Court

Case No : Miscellaneous First Appeal No.100090 of 2014, 25107 of 2013

**Vijay Ishwar Jadhav & Ors @APPELLANT@Hash Ulrich Belchior
Fernandes & Ors**

Date of Decision : 07-03-2018

Acts Referred:

Motor Vehicles Act, 1988 — Section 1, 2, 147, 149(1), 163A, 168, 169, 173(1)
Code of Civil Procedure, 1908 — Section 34
Interest Act, 1978 — Section 2(c)
Code of Criminal Procedure, 1973 — Section 195

Citation : (2018) 03 KAR CK 0012

Hon'ble Judges : KRISHNA S.DIXIT, J

Bench : Single Bench

Final Decision : allowed

Judgement

Sl. No.,Heads,Amount

1, Loss of dependency, "Rs.3,60,000/-

2, Loss of Consortium, "Rs.5,000/-

3, "Transportation of dead body and

funeral expenses", "Rs.2,000/-

4, Medical expenses, "Rs.6,400/-

5, Loss of estate, "Rs.2,500/-

, TOTAL: "Rs.3,75,900/-

Sl. No.,Heads,Amount

1, "Loss of dependency

Rs.3,300/- $\times 3 = 1,100$

Rs.3,300-1100 = 2,200

[Rs.2,200 $\times 12 \times 15$] "Rs.3,96,000/-

2, Loss of Consortium, "Rs.5,000/-

3, "Transportation of dead body and funeral expenses", "Rs.2,000/-

4, Medical expenses, "Rs.6,400/-

5, Loss of estate, "Rs.2,500/-

, TOTAL: "Rs.4,11,900/-

(b) The impugned judgment and award of the MACT, Belagavi, is modified by enhancing the compensation awarded at Rs.3,75,900/- to Rs.4,11,900/-",,

(Rupees Four Lakhs Eleven Thousand and Nine Hundred only);,,

(c) All other terms and conditions are same except the rate of interest which is being treated in the Insurance Company appeal MFA No.25107/2013;,,

(d) The amount in deposit in the Registry of this Court shall be transmitted to the jurisdictional MACT.,,

ORDER ON BEING SPOKEN TO,,

The learned counsel for the Appellant points out the error committed by this Court at para (a) under the operative portion of the "Order" which,,

reads "The appeal is dismissed with costs" and therefore it should be "the Appeal of the Insurance Company is dismissed and the Appeal of,,

the claimants is allowed in part with costs",,

The counsel for the Appellant points out from para 16 of the Judgment of this Court that the interest part in the impugned Judgment and award should,,

have been modified intact whereas the operative portion of this Judgment does not do it at para 18(c). She points out para (c) in the operative portion,,

under the heading "Order" at para 18 of the Judgment which reads:,,

"(c) All other terms and conditions are same except the rate of interest which is being treated in the Insurance Company appeal MFA,,

No.25107/2013;"",,

There is force in the contention of the learned counsel for the Appellant and therefore the said para (c) accordingly stands modified as under:,,

"(c) All other terms and conditions are same except the rate of interest which is re-fixed at 6% in the Insurance Company appeal MFA,,

No.25107/2013;"",,