
(2011) 02 KAR CK 0084
In the Karnataka High Court
Case No : M.F.A. No. 4031 of 2009

Ziaulla

APPELLANT

Vs

A. Dadapeer and The Branch Manager Oriental Insurance Co.
Ltd.

RESPONDENT

Date of Decision : 15-02-2011

Acts Referred:

Citation : (2011) 02 KAR CK 0084

Hon'ble Judges : N. Ananda, J

Bench : Single Bench

Advocate : Patel D. Karegowda, for the Appellant; Ashok N. Patil, for
Respondent 2, for the Respondent

Judgement

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

2. Heard Sri Patel D. Karegowda, learned Counsel for claimant and Sri Ashok N. Patil, learned Counsel for Insurance Company.

3. As a result of accident, claimant had suffered following injuries:

- 1) Tenderness over the right shoulder
- 2) Abrasion measuring 3 x 1 cm. on the right shoulder
- 3) Abrasion measuring 2 x 1 cm. on the right toe
- 4) Contusion measuring 6 x 2 cm. on right knee joint
- 5) Fracture of right clavicle

4. The tribunal, taking into consideration, the number and nature of injuries, consequent pain and suffering, duration of treatment, amount incurred for treatment, loss of earning capacity during laid up period and also loss of future earnings, has awarded compensation of Rs. 76,700/- under following heads:

- 1) Pain and suffering Rs. 19,000/-

- 2) Medical expenditure Rs. 5,600/-
 - 3) Loss of earning during laid up period Rs. 700/-
 - 4) Loss of earning due to disability Rs. 50,400/-
 - 6) Conveyance, nourishment and attendant charges Rs. 1,000/-
- Total Rs. 76,700/-

5. On bearing the learned Counsel for parties and on reconsideration of the matter, I find that the tribunal has not awarded compensation towards loss of amenities". Apart from this, I do not find any discrepancy in the compensation awarded under other heads. Therefore, I award compensation of Rs. 15,000/- under the head "loss of amenities".

Therefore, I modify the compensation awarded by the tribunal as under:

- 1) Pain and suffering Rs. 19,000/ -
 - 2) Medical expenditure Rs. 5,600/ -
 - 3) Lose of earning during laid up period Rs. 700/-
 - 4) Loss of earning due to disability Rs. 50,400/-
 - 6) Conveyance, nourishment and attendant charges Rs. 1,000/-
 - 7) Loss of amenities Rs. 15,000/-
- Total Rs. 91,700/-

Rounded off to Rs. 92,000/-

This, claimant is entitled to total compensation of Rs. 92,000/-.

6. In the result, I pass the following order:

The appeal is accepted in part. The impugned award is modified. Compensation of Rs. 76,700/- awarded by the tribunal is enhanced to Rs. 92,000/-. The rest of the impugned award as it relates to rate of interest, period of accrual of interest and liability of Respondents is confirmed. The payment and investment shall be in the ratio evolved by the tribunal. Parties are directed to bear their costs.