

Karnataka High Court

Ramalingamma vs M Chandrashekar on 22 January, 2010

Author: H.Billappa

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Ei)A"I"I31,) 'I'H1\$ '%1'ma: 22w DAY OF JANUARY 20
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'mfi: i~1c)m3i_ ,[<: MR. Jus'r1c15;MH Bii-1;fx}°-:}\$A: A

msc:1:1.1.AN {sous FIRST APPEAL A20. Ae336--.QIé

_B_1_\$}_TW}fEN :

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. R21mz1EiI'lg2.11n11le1.

W / 0. I~€a:1'1'1;.1 Roddy.

s"\\$. {e=-T1 about 5(3'ycz1rs. }

R/a. N2-Riga-111:-1.1"lz-11}i, Kasali)a.* _E_I(;*fj'Ii.:
i-"c1\"f-'lg;;"d('1E:i Tzzzluli. _ " .
'E'L.:I.1'1.1-ml' I'.)isE.. '

' Rz1mz.1 R<\$c_iV{1Ty."', 5;; _

.:<5/<).EA{;=-11';'a';f\$21 R (*d.\$»¥y. é ,
A-="xg.g;<'ci ,r'xI) m1I': 5({.Y'c*w:31f1f+_s._" " -. '
R / A. Na E\$\$_\$;a=-1.1 121 11 21' IE1 [' E.\$'z;1s21~'..)_ 231" H"()bli.
\$--);'1\»'z»-lg'e:<:1z1 'EV"é1.l"t 111., V' " "

'E1: IA1'11uA!«1'. , D is!" _ . . .APPE1.,I..4AN'l"S

..%j~, -2' :Ei~r1' (11: } .i-%: '1 EVE-;gg;1 I 3 4\g;;;.1 ('TI5'1N21 I'. Adv .]

I"u,_1'1':--};;---f11" I'..)isi'..

. (7211.21x1(jEa*e'\$.:ssV}:i'eEsa_11'.

' 3/0. \ 'c:.1akg-Lt.;u';lvz11le1;:)pe=t.
=. vKiI1'1}b€-li'f{i~--* fi'><>e(i i.
~ P; I 3* 3.1 ('i at 'l"z=1 1 1.11< .

2 'HIV \$I2z1i<>1'12.1.% I1':s1:rz11'1cc (_)<_)m}Jany l.,t"(.1..
N(.: >.4i\$E;)1(). i)i\.-'isio1'1 (.3{)(:1cv551()03
('):.)}'3« A1.)-s1*1'(* Buss Sta"-mc{i.
\$I1'11<:iu;;)1:r.
A1'1; .11'11ha:lp1.:m_ I')is1'1'i(ét'..

Rep. By "l'2"1<~. Na1.i0:1ai i1lsu1*2:.1'1c:c* C0. E4,t.d.,
I)1'vis1o11 No.16.

Kn m a:*a::1<1"1.1pa1. Roaci , _ ._
i--3a11rg2;l()1'c> W 560 001. I

{I--5___-* S1"1'.M.I..\$.P(x.n'lachf:., Adv. for

T *~ . . REVS

'I'h1's 1VI.F'.A. is fiieci U/S of 1\V/"IV. el gal11st. the

J 1.a(.ign1c11f zmd Awalrd (Tiziigjci: 13a1'\$;V\$L'=*€:EV in IVIVC
M45/I23s)5 on the rm», of't-he \$s1~.i3n) & Addl.

I\I;-'"CI'I'. MailL1I"n.lgil"i, =;)veu'1'iy"21E1€jwil";g',__i'h.€: petition for

(':c>:'11pmlsaion elrld se\$}:k_\$11g"--:g:1'flj1éi11c\$5m(51113ofcompensation.

"F1115 }.})j)'f,'f--1}'("t'(i);)'3jI'Tg 01:1 "f<..1_1f Admissi()1'1 this (lay, the C01.
(.i<fi1i\ 't*1'L'f*E 1{HYf{)if(')\«'il'lgf V'

} _JEDGMENT

"1'2v-iiéi' ;::p.;.)c!V:2-1&2. (.fil'"L"- 'c*i(7:(i alga':.i:'15t thc: jL2c:igr1T1c:-

by the Mom:' A:(:tidel'lt Claims

<1>; ;}m1%_A mg;..:i}\$;\$~;\$s>;'\$::1T1 MVC . N<:).4b' / 199.5.

_,%

[V/4

2. IE3}? the i1'npu_s_{1'1cd ~\$1td, f\$il'1("?:1'11" a.'u'ld aim-'z11*cE. the 'i'ribL11'1
I'm» 3.-2j;1'211'11,(' (E cm11}).)c-'1'ls211'.i(n"a of R\$.].0L'3.()0()/-- with i111Ci'C-
E3': p.a.1. f1*<:a11"1 the dafixu of pcrtit.i01'1 Fill 1.11 er ciattc-2 of ciepc<_) 'sit' .

3. Agjg1'i(3\-*c-2c.i by t'i1:st1'. t'.1'le appeli.2111t has.-3 filed

s(. 'v%<..i11lg ('F1 11m'1(. 'er11c1'T11.

E11 bx-icl', 1.1r1e fe.u:l__s arc: The-1!. '26.0E3_.2~G0{¥,v\$11j é-1Vb0t:«t

9.1~\$0 e'=1.m.. l",11(' ? dfi-.'(" .t.'f~lS3C.d DL.1g;g,:-1n11113;--.Athe de;11'gh€'Te'i* <

ap;.)ellal"lt's was l.a*alvell1i1'lg in f:he. "'[:>.),.i5; E)t:a1fi~:'1g"E\Ec.).MES~6597.
Nun' N;:11i'gal'12.'1. I-f21111. {"1165fii*iver. (')E the drove the bus at

1":i;::;11 s}i)m=.(; \$# 2111('1'i~:.'\$ _V2z I'iIE<S11 "c.1'i51.Ci I1(?\${IigCi"1T nlanncr.
01" ¥I1"1&.1I.. t.1'"le« has (%;}.1'3:...\$;i;iL?"C1~..afilm} f('*}1 into the &.s'11'eaIn.

(1;m;;)'1l<'1:-:9? the id }.:)[.]C:VIVlé.1.n1"' :s s:u51.al111e(:i 1': '1ju1'ics and S1,I

{rs sa13'15i'a:-.' " A.'i'1':c-> e'=11.);x:11a.1'11s <r1el1im(%c.] mm}:)cnsat.ion of

R.~» .if3,{)0.()i_)vC)4["-Q' 3'-E'1.I.--~e~ Tribuxuxi \$1a.s fl\V'd1'dL"(i 21 sum of
R;~e.3,()Z-3';«0()Qv/'-~.A«\$vAit.1T:1 il'1'[Ci'(3St at 6% }').:;1. from the date of
:ç".'1%\$L"\$VA'I:'li!.JIi'1_ { .iI.'E* we ciate of ci<'3p<')si€. . Agg-\$1'ic2\-'e.d by Lhal
el_;;;p{?1_Eaiiimis h:;1\..»'t;~, file:-Ci il'1'is.5 ap}'3e=:2;11. se:f':\${il'1'lg enhau'1(

5. 'I'1m 1c2=11'11t>("} C<.)u1"1..\$;c} 10:' ihc a;')pci}z=u'1f. c(")1"1t'e*1'ldcd
f.1mf €'1'1(' * 'i': 'i\$:3L1:"12.t.i 132124 L:r1'<:(1 in ':2.1killg__';' the-' income 01"
(;k7<"«;=-*;"lscci at f5,000/A per 2-mmanl amd 21.ci.op1i1'1_lg the

nm\$fiipi:'c.~r of "132 Imle 2115:') subn11':{cd that the (;1&c?::z1S&dT'ny21s

\mrki:lg,\$ as 2-1. I'ee;1.<'..'i'1L"1' zmcl ajso (1(.)i:'1g sc1'i(%11l1'.1,1"rE' \xf())1~
6-?z-;:1'1"1i1'1;_{ Rss.2.()00/-- poi" 1'11(.)1.1t' }'3 e111('l.: 'H1c1';?i'(':'¥_1'c. H':V

xmss Hui. _jL.1s1.i.i'il'C} in t,2T1E<i1";\$, { the il'1'(E3.n'1C--. Of tI*i(" _ C1<: ?L:\$.=
2,i'. }(_)C)/ -- per 1'1'101"1':h_ Hv. _ 1}1C1~'Lj{1}(). ..1'bE'. V..%1;1_Ei)1'13._iff',*E;_
il'11})l1\$__-{l1LT('1 _jL.1c]g11'1c>1'11. an(.1 V2'-m{2'11'd «:r1'('-\$(*cL\$I'()""!)_€
6. As; e:lg2.li:1s'1'. this. W: l(j'21Vi':'1e€1,_2C(>u:'* ;_sel for the 2"

R.c-'*~';1.3c)z'1ckr1i.\$- --.suE'): \$1if'i:..r;c:i 'Vi'--h 2f1't--.' "H10 "i":'il'31,.1m
('ma2Hi(' .Ic1'z11i():1x'()_f ti' }(' '11:az-rtç'i'*iV;=;'l.'L'on 1'c(' .0a'(1 has 2-1wa1'('
V..1"ft2ai;s'(')llvfiiiiftfv'{'(')1V1':})('1'1VS;¥!..1,i_(j)1.i mid (i'a(t1't*.l'():'<==*
ix':1:51'!'t?1'u1u':*e%.V'*% 2;-1.is<"> s1.1b1nit'.'!<:(1 that the appellams

thL-=z1'1sc;*i"vc.~s }":2'{-"i<"* .5é1':a'11..ec1 in the-2 pt-rlilion that t1'le c
.c72r1.j1'1i1'":g .i'<*5.E3;U0/~ per momh as 21 1.eac1T1er and Rs.300/- per

.:'1'1";«;=.i'11'.l'T1 i'i';>1"1'1 .'.~'3€1'iC.7Ell1..li.i'Et? work z'2u'1c'1 t'.h{1*

f'al'iu-1': 1.\$n.*. %nc'on'1<-* of f110 ('.1('?'(.L_'.fEiSC('1 of Rs.1.E3,000/-- per ann
anti ii d(.)L':.~". not'. Call for i:zt'e1'1'('1*CI1(%c.
'7. I l'1zwc* ('E-1I'("f1E1ly C.c):1\$ic.iere(:I {he s1.1bn'lissi(,)ns 11121610 by

Ehv fez--1r1'1cc_\$ muxmcrl 10:' the partzics.

8. 'I'1'1lc {_>(_>i1':t 1_1'lat" arises for my (_t())11\$ide;*raliism

1.

119 "l'ribu1'1e.1l he1.<; awarc1<::c.i_jus1 and 1*(é:i'S')'na11)1e (T_)I_T1'[\$C11S'£ifi()i}? S"). it is : 'e1£%va1"1E' to notc-?. i'.1'1(3 "I"1'ib1fm2'1"1 _\$'1a..<; a.ix7xfgi':"<ié?ci '._.41 s;1.1i'?1V of i{\$.97.: '300/-- '{(m.rards loss; of E1[r:]je11dertiLty 'anti L5t.21t:e. The dt'"('@E1E:\$(Td xx-'as wo1'1s:ing,>; as \$1' '*t_e21c_T1c?tf :2{1:1_('._éfi'i.s;.) ('}Oil'ik£_3;HSEI'ICL£II',U1'€ \.m:'k. Pws :1' (m <17f2a V1V1;:1\-'*c__.(i--e1;.<")sec1 thai me? cicccased was m:'xi1';,,>; E.\":'s.2V".{ }oO)?./ -Q .1..) C.: f " :1; '1" ..r;:) 1'1iiTx by £%c.) i11g scri<' .111t'1.u*o and V..~:;t;:_:1'i<:1!;i'£'e.1'c;__wQ1'1< :\$:m.ci_____g;1.;(.) Ice-urhinggg. In the pCtiE'.i<;)n. it. ssVt--.:u'.eVr.:i'""é;l'.x;1'iv__{f1¢«.c1Erci%_o;1scc1 \.-"as earnixlg Rs.E5()O/-- per m(:)1'1i_h as 'V -- ax t:';raC1"1{1-A1' z;11L(i' :Yj_{:r;i'f'O() /-- per 1'm)m"h by doing se1'ic1..11t.1.11*e work. 71"}:g.=:rei'(a1'<': the 'E'1'ilm,1r":a} has ['c1liE'.I"3 {"119 i.1":('(.)mc of the (1<3<.:<=:a.:e3e(i I"5. _())o/-- per a.x_'1m,.1m._ which proper. The '1'1'ib1maI " --.hu;i:a <\$ied1,.<'1t:d 50% Ec')we11*ds pe1's<>nai c'-xpc1'1ses. '1'1"1e cicceasci '1'im'c=-*f<):"c. lilac e1pp1'o}_)riaEc 1Tm.111.ipEic*:'..V 7.14', I1' st_. '1'1'€'Q"\$1□:O_InC".§) hm} to ma--1i1's1e'1in hL'1's.c1\$" 21nd 1101' p2.11"C1'1ts. Thc1'(f"('i):'{'i. ii' is]:)1"<>;Jc1' 1.0 ('1L':ciL:(?I" 1/3" Iowa:'(is pcr1's(..>11211 arxpenscs. If 1/31""-3 cium(%EL>(i I(>\-vzlrc1s 1.)cr.=;<ma'11 €'X1'J(3I}SL'S. the loss of (:Icpe1'1ciCm:y pm' alamlm <(")mt\$ H.) Rs_10,000/--. '1T'}L' 11'a<)t"}_1(. '1' i.t;.,;".U"i<4;\$T'□'Si'. ap;»c11a:"1I" was ELg__f(d zlbom 45 yc:'e11's at E'1":<_*'t'in1_g_- '1-L)!AAéic{*id(%n1..~.b I; .

the (.1c-*<.'tc:a1sc,(1 is iaken at Rs. I5.()()() □-- 1:)_c}i'J €l11 l":[_I !\$]_E':1'}{'(1T""}'./V35" iss {i<..'(' .11..1< _'tc(1 1owe=-11"ds],)e1's()1"12:1} CX}.~'lQ\I'iSt?S 2i11.(__i 11.10 "n'1ui.~.:vIViii)}'11'€?1' 14" is ;1d()pi.c:d. t.hc-rn. {he <:<)n"..pens;:'(i'oi'i' péi'y;1b1e 'tfow':~1rtis 1038 of dc.'):e1'1dei'1<.ry comes to Rs. 1;.4O'.LO{3O/a._é{:'i_a:i. 7aa._t(<)1'di11gly, it. is e.1\.-m :'(iL.'('L J

10. ot'_-- ES 21x-ve11*(1c:(1 10\va1'ds loss of (ikwzxlv.

A <l_l 'E':h. <==.' _f1"':.ii:_m1'1a1.} has not" awarcied any c:on'1p(:nsatii<m tr>x.a4éa.1't:ié3_,I(_issé""_~<.:f'1\$')x.?b and 21ffc>..<'*ti<>:1. '1'1"1c 2'1ppcr1lamt"s have-=. itjss□ thvir (ié1':._1gi=iAte.':"E11 2'11": _\,'()llI1\$ _\$ z';1g(?). '1'1'1c3r€f():'€.. ii']).I'O)p(:'.l' to .§V§i::T:1 of" Rs. 10.000/-- mwzmis loss o!" I<>v(=:'. zimd a:.\$.'.éé\={ '=':Vi<)1':A and 2-1"<"<:<):"(1i11g__§ly. it is 2-1wa1'<1<-'d. L//,

12. "1'1"1c "I"ri1..))11:'1;.:l 11215 21wz.1:'dL:d 2--i sum of R..~:::;. 500/~ :<>\.'\';;11'{'':%si; :1'w.(1i(*a1 cxpe"1'1s(x~;. I-'\'»'\A} has; <'{'€>1.)Osc(! 111211 1l"1Cy..S;)(-rm z:1I1<;»HE I-'{'~;.l.O(D(j)/-- tow21I'ds 11'1cdi(_*21i cx;)c?1'1s(-\.<.; Th<:1'c:*'ilV51=a;:\$'L"ii"i's p1'=>pc1" to mvz--11'd aa 511111 of Rs. 1.O{ }O)/-- 1L)\\. 'E2.i".EI'I.,'i";,1ii(€fii{;'5'l :=rx)}v1'1.e'.css Ellld 2.1('tO1'(li11gly. it is 21\va1'£i{;éd"."'

113. The ("(">1m:)c11:5a1i:ion 2-1waij('lcd lay. '{i'1._C 'i'1'iib)V1';_I3 z1v1 'i'L.)ve;r2i.1*d\$' f:3m~ra.z1 cx1)(2:1:-;<.;s. is just 2--md p1*(>p'(''-3;-<11"and 1{11€~1ic!i=:T:*.€. ii7_does not (tail Em' mtc1'fE%1'<:11L.te.

E4. "T'1'1c.- total ccm11)c-'I1satiii)1'\$1payéiliiig_-'_':;()11'1e:s 1.0 R5. 1 £565. Uoo / ;.n1(*E ':.}"u-:é.
E:3I'f'c.t..a_.iI)\ :1 as ' follows:

3. i'owz1r(ls {'"i(':"k)IL'_T'i{'.'§(%I'1(:.5,I Rs. 1.40.000/A .g)i'(. 's>.:t:ii't':v:i2 Rs. 10.000/A VA '
»3:*S-?'ac{5}~ 'A '. ____

3. "1I<'>\.*.za1'cls;,\i':q\rt* _z1~r}('i---- 2;1f!.e=(:'ii():'1 R3 '1 0.000/ -- 'i'<)\\"z11 {is
iiz11'Cf?_;119;cx1.)c:'1>;crs Rs. 5.000/-- _ '\$".Q\>ve;i.1'(i5~~ r11'c;r,ii('2'1I (YX}).('I'}SE3S3 R5,-;.
E .000 [~ Totai Rs. I,66,000[-

15. A('<(*)'1*dingi, the zizppeal is z1}}<>\wc.l zmd thc i1"11pa1g;11c%('i _jL1c_igf111e1;1i_ Ami
a\v211'ci. pa.1ssc(.1 by t.1'1e;* '_i'ri'13L1_z:1al, in M\='('3.N(). 46/ 3.9953 stands 1'11<.)di□ed.
<-->"1'zu1liz'1;.'; (IOI11[])(?'1'};S£1□.).l'i»pf Rs.1.E36._ooO/-- E1'1st:ea(T1 of Rs.1.03.OoO/A with
11:2. {mm { .110 (fate of pciitio1'1 H11 t'1'1c;""d'Vz1i't?« pf',1'er.;11_iTS'2ifiiic)1'1--. "E'Hc s('c>1'z(1
1'c.>spo:1c1c:1'f shall deposit' t,1'1_ciV__ ain_10u1'1t _~_w}i=.11'i:12. (Eight m-e:*}<s f1"<'):1_1
1<..)c'i;T.1y_ £'X(T11.IC71il'1{__ { 1,11t\$""«g1"1"£1()1.u1*:. '2;1rés:2ciy7;1<2p(>sited. 'l'1u--'
m'1t£1*c 2;1mou1'11 (?1"11'12'11-:'1i""c'...rA_i sIfié.111 i:;~é. ;)é.-mi to the a}')pe1}am;s (rq Lzdilv
Sd/~ JUDGE }.H/JS ""