

Karnataka High Court

Siril Dominic S/O T Alexander vs The Partner M/S Mekhala ... on 14 August, 2008

Author: Anand Byrareddy

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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 14"" DAY OF AUGUST 2003[p

BEFORE:

THE H()N'BLE MR. JUS'l"'ICIi1 A*NA1\$n3Yk\$ÉRED:3Y ' ' A

MISCELLANEOUS FIRST APPEAL N9; *939301%;o0.3%mix'3% L

BETWEEN :

Sri. Sirii Dominic V
38 years, Sfo T. Alexandea? __
Chikkabanasavadi

& APPELLANT
(By shy-;. 'S'i1.'1"ipa£;iVVé.'"S'sfl1zi:aiifi5-._g\$gi'v(\$L2fc)
Am:V L ' _

« Mektguia Engineering

Tank Band
" . Road, 'fléijiggfilurc

2. Ogienml Insurance
.. Limited

_ D;«_.0. I0,N0. 213-217

'Nagapmbha Chambers

III Main Road, IV Cross

' ' . 6Ili"iEiI<i(>t5?'i;f!6I'i!.,

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amounting to Rs.I,03,000:'-, the appcifanl is before this Court,
seeking cnhanucmsnt of compensation.

3. It is cunltendcd that the amounts are nut adqé\$iiat¢'_'
the Tribunal has granted lower amtyufgis of _13E3_(uit5E'.

the curvncniunal heads and has igfl(if6d;;'b6F:iaifi'._t5flI\$T "' :é1.1:t:h

as compensation towards' ._vçii-sabili{yV and 'misaelianwus'

expenditure. The alnoun.!..award:::2 .l€)%~éin_ls Iosé\$'of.aménifics is on

the l(3w*cr"'sid_e.";5 T}i'éf:.;fVnc0snts. is izikenkts Rs.4,000/- per month and loss of incsme is Vaxina.r(ie41'T'TfbfJ.lwo months, whereas lhe appellant

was Iai_d upLll)rVScv:::1%aAi11(5fiiuhs and lhcrctfurc, it requires all-mund

-» Vflqfinscl for the respondent on the other band, would

Tribunal has [band that the alleged disability could ..tie.1 be accepted in View of admission in the cross- A '~:Lf"t'.:3:\$?:iia_inalion as to the injuries having hcaicd sufftcicnly well and {hat them: being no rtmords as to {he lreaimeni vi' the appellant as an i□p&££i\$!li, etc., it is this which has prompted the Tribunal to negate the claim luwards disability. In any event, the ammmt granted towards pain and su□□hg, loss of amenities as___weH as iuwards medical expenses and loss of income is appellant had not eslabfiished his income to the Tribunal. Yet (he Tribunal has Hie AV Rs.4,000/- instead of Rs.S000;'->.e. lit a r.<\$a;;;ss\$□abIe'3;:ii1zV>'i1::1» that has been attributed to the negliin□hny in the judgement and awa£'<3i: ""%"«.

5. On a wzmidera□dh of mi reeurd, it is not in dispute that line' ef11Vpk3'ye{i"_'\$£s"&i: driver, His income having been el. {fie absence of evidence to the saishlctiun pr an-.%e Tyimm;-:1: .m.{. be said to be unjust and " Hdwever, the awarded towards less of ameni□é is on .I(:.wer.:side. The same requires to be enhanced an a1id:iAlie:nal,._:éuni:i)AI;Rs.10,000/--. The: appeal is acutardingly allowed. This " enlitlsd to an additional compensssziio□ of f inténszsl {hereun at 6% per anuum _\$_i:\$tc »aw;;i1\$;I\$'--. 7 L Iudga SR