

Karnataka High Court

Shankar vs Subhash Gundu Kurade on 6 August, 2009

Author: Mohan Shantanagoudar B.V.Nagarathna

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V' my sRI.B.sHARANABAsAwA, ADVOCATE)

II'? THE HIGH COKIRT OF KA.RHATAK~.--€\$.
CIRCUIT BENCH AT DHARWADV.

DATE]? 'i'!iIS mm am DAY or AUGffIST;._' _

THE HONYBLE MR. JUSTICE m_>1La\$.%i' «5

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naF\$;'Nd\$s£;3S;*;2f#"05 mv)

BETWEEN: _
S /0 H_A;RI'BA GA1'E{I?V~:%.IL3,
VAQEQAm:2a:j;;If1*;'%%:~:~a3L'1'EAR\$;;

:2Vv_0CC:AVVV}5RWV}i&TE

2. A3::1J:T"'sr:\$1aI\$;é.i& VGAJKWAB,
_ AGE1{) z%.13{:%LI'17' _ ZIEYEARS,
ace: s'1?:L:9EIs:T.

=I;\$j;'r::~sI~fANKAR Gaixwaggs,
~ 'A1;3vEi)'Vv'AjBOUT 29 YEARS,
Q;:::;:_: ASTUQBNT.

~ ALL ARE RESIBENT G5' WAGALE GALLI,
E'*fEAR gflwmz CHOWK, NEPANE,
'I'AL: CHIKGDI, DIST: BELGAUM.
. . .A?PELLAN'FS

1.

SUBHASH GUNDU KURAHEZ AGED ABQUT 48 WARS, occ; TEACHER, R /o NE}, ':'AL:
QHIKODI, 913?: BELGAUM.

:2. UNITED INQIA INSIJRANCE (:13 L': '{:.,, % = BY ITS DI\fISI{D'NAL'M'A_I\IA€}'EtR, V
NO.24~, EST FLGOR, AEEHQK NAG_AR,f.: N1PANI,DIST:BELGAUM,_ "j' V RE'S1>'oNDEN*1's
{BY SR1. SANJAY s.K;#:T'A.G£:Ri:;\$'o;2 R1 SR1.B.C.SEETHARAMA;'ADV--;«._F{□R R2) THIS
%Jm:a'fA ISi;A'F£;};.,\$\$ii>-4:UfS_VV 173 '(1) o? mi Am' AGAINST .j_'.J'LT}f}.{ }'EvI_EZ?i';Ti'vv
Arm AWARD DATED 21/3412QUS*M:?\$é\$S\$B1\$'*1;\$; M'\$f€3NO. :18/o2 ON THE FELE o1? Tim
1. ':_§Z?I\z'I:\$I'a\$:f..?D{ }E gsamv.) AND MEMBER, ABBL. Vk'L:»*5;é;C:r,V -_BEL€>;.é;UM,
PARTLY ALLQMNG THE 1?->E'\$*:'I%:i,?:.:\$§: FOR COMPENSATION & SEEKING A

.f§§:'€H'%;□fc:§,3»=;ENT op COMPENSATIGN WITH INTEREST' Z *§"HI§ MFA comma 9:»: mg HEARING T133 my, .. M_Qf{?:E;J SHé§~\$TANASG{§§AR .J EEELIVERED THE 'EQLLQWMG:

Jubem□hr Smt.SLM§3:ha Craikwade, the wife of ciaimant and m<:>the1:' of claimants 2 and 3 2 and 3 harem) lost her life in the 05:}. 1.12.2001 at 11.30 21.111. As a;:é§m:_<5f_a;¢{:izia:~:i.,side % suffered gievious il}j11I'if?.€§ -Q13 " par13' ;;f,V t}1€b.<§é}?.'.*. Soon after accident, she ' 'Ito }Dr.Amn's Hospital, Nipani az1d.._..thcr§ai§t.ai'," ~--.t1"3 c5"i%£;jured was shifted ta Dr□andkumar Kolhapur.

She h'a'S inpatient in the hospital for téfn tiays.. U36 injured succumbed '£o Eh-3 irzjmfies1GV.',12A.':2Oo:i. T116 claimants are the (21113: V' ., cf' tfxetiaceased. The tribunal has awarded ' of I;~2s.3,5},O{G/* in all under variaus L';:=%§.éaas. % award maae by me manual is an the lower sidé the same is is be enhanced,

2. It is not in dispute that the claimant was Warking as a teazrher in Gavemment Marathi Bays School, Bhimapmwadi as if: is Clear from EXP8. She vesas geziing a saiaijss of Rs.Z3,868/-- in me giéxfxh of z~:osm{ber, 200 2. The tribunal has deduct&i"RsV;3_,:f}:3__1, 1, 311?, of {\$163 \$055 salary without az1};f...--E::éi\$ifé Calculateci the 1033 of éepsndéqizcy ' saiairy. The said agroacii 4;? L. What can be deductad □hgg 1 is only income tax er profev-;1§3zior;a;it£§;;. #' " éérti□ate of the de{:ease6. useci to: pay pI'Of€SSiQ_:{.};3;i that much of the amc□mf. 'gigcirgtéd. If the saié amcinmt 13 deduciaa., of the deceased will be R;'...§i 5!V;8'E8-'Qo1' ";;>.é.i§-;A,_ The deceased was aged about 40 % ; y%=:a1*sA§v"}:i>é§***a*i<.ate Of birth is 22.0 2. :95 1. She had get 521;; H '-- wauid have gar, yearly é□crements apapt f:'\$;3;:. 70115 0:' {we promotiens.

3. Having regard ts the totality 9f the facts 311\$ circumstances, this caurt deems it proger to aszée□ {ha menthly loss of deyendancy is at Rs.6,E">O{J~;-'é.□jx :_ }?!§Q§d:tr zzimltiplier 1:0 be applied in the matter is 9 judgmem: ef the Apex ' Verma and others as. □el□ L.

and another reported in '1 @333 of the ciaimants is a 'IT1'2s%:fef{re, the age of the éeeceased has, to be. v.i11i;G. Vcégnsiideration whik: 351 'ins ;to be deducted from out of t□£:* §*<§ss 'T'£l:iii:_. 'd:ceas<ed.. Based on the said facts, tiie-«□□ld be erzttitled ta Rs.'?,?9,999/-- '~ tiles: } :1ea;{i1'c;f-}.<;'ss of depenciency. 3 -- £s§{7¢;cii<:a1 bills an racer-::'x are worth This Ceruri: \$311119: lose sight cf the fact that' meéical b□s axe g□hera□y maintaine□mé□émousiy during; the course of treatment. The famiiy .. _ bf the decesad m:.,1\$£ have syent more mama? towards M zeedieai expenses. Thus, the claimants ent□ed ta Rs.60,o()Q/~ tmder the head of medical expez2_ejeé§{h'4e:';%@2:t {rem the same, the ciaimants are""~..Ve:r:[□1ed " 'fig ' Rs.4G,O{}/~/ under the head of T of estate, funeral expenses 3, "-°f1.(§"-- 10s\$.v--" -of Ievé; affection. Thus, in alt}: t}ieV.V:_e1ajma:i":t.sA_"" are entitled 1:o R\$.8,?9,999/-- romdgied c§£f?e.;e§;e.,ee,oéAo)w in toto. Thus, the AVe1ai:~1a'1Vi_;§,;'~:f;' to enhanced compensa□ee The enhanced eempexiee□ee "ire:eff:*est @ 6% per arumm. The iiaegfperiioned the compensation. He□ee, would be as under:-

claimant namely Shankar shali be ""vé:.e;wvar□ec1 Re.1,3(),OoO/m. 2% and 3% V A nameiy Abhigi: and Shiiee. shalt}; be awarded Rs. 333,900} --- each.

e) The 75% of the amount awarded in favour of the first claimant shall be deposited in the State Bank of India for a period of 12 years. Q3 The remaining amount shall be in his favour and he is entitled to the interest thereon.

75% of the amount awarded by 1st and 3rd claimant is Rs. 13,00,000/- and the remaining amount shall be in his favour and he is entitled to the interest thereon.

15% of the amount awarded by 2nd and 3rd claimant is Rs. 1,50,000/- and the remaining amount shall be in his favour and he is entitled to the interest thereon.

Sd/_g JUDGE Sd/ -

JUDGE