

Karnataka High Court

Sri Jagannath vs Sri R Dharmaraj on 25 November, 2008

Author: Subhash B.Adh

, ;;- . _" 'i3angaId1<:=\$f5€>G 00 1,
" Rep.b}: its Manager.

. ('-3: K. Vasanth, Adv. for R2)

N This Misc. First Appeal is filed under Sectimtx 173(1) of
M.V.Act against the judgment and awarci cit. 16.11.20()'?' passed

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?
EN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 25TH DAY 9? NOVEMBER 2088
BEFORE

THE HOPPBLE MRJUSTICE SUBHASH 8.A1j{i "

mscsL1...a.uEous mas? APPEAL:_!i6.'3f13 V
BETWEEN: %

Sri. Jagaanath

S/o. Lakehmana,

Aged about 33 years,

Rczsidixig at.

Bhammcnahnzflfi Village, ,
Chitra.dlu'ga'I'aiuI«r8s I3ist.rict. " _ i '*f_'.»._3\PELLANT

(By 531%. N. Gopala1(1ff.31;'a3/§§;*Ad';;f.)g

1. Sn". R. n*n"'a%":a na;~a't_j

S/o. Ra'..:lgap3;aa,,,"
Major by"agé,_ '
Residing ::--1'i<,_ , ,
1{0ttalcrallatii_VIIla,ge_, ' *
Piiali }_?"uait, Hil*iy11.ur7T'a}uk',

. AlchitV:a:iu:ga Dishibt... _____ .. »

2. _V'i"hc' Ozientai 'Insurance
Regional 0' Vj<Lfe:ANo. I44] 145,
v Lee Shoppizxgflomplex,
-- M. G.ieoa'cI, ' '

. . RESPONDENTS

in MVC 350.369/20f)? on the 1st of XIII Additional \$111311 Cause: % Judge 85 Member, MACT, Bangalore, SCTCH-15, partly allowing the claim petition for compensation and seeking enhancement of compensation. I "

This Appeal coming on for admission this V. delivered the following:

This is an appeal by the claimant, "scenting compensation in respect of 'j1'e3'zm\$<:zit- in " V M.V.C.No.369/2007 dated 1:53' ffov_ç\$ \$fY3<:r'v._f;. 'O}'. '7." 1st of MAUI. . Bangalore.

:2. The claimant. Efforts made on the road near R.K.Naidu's I{A-16/'T'-3953/ 2954 came in a rash. dashed against him, as a result of which he sustained grievous injury, he was taken to BVé1;sTa1fcs\$V1115Ia\$1'Ve;,\$:" igibpimi, Chitradurga Where he: {I}£1f3I\E'£I£.5< Examination. £9 reduce the fracture. about F.'s.1.00.0()O/- towards medical expenditure; he was awarded Rs.6,000/- by awarding 1/- éVs' V:-.z_ masoY't;§<:§ Tribunal held that the accident was due to rash ' 1£.£gi1.gcnt""c?;:iving of the tractor and 3130 held that the " ' « . --{3é=mpan3r is liable.

'V ' A» " As regards to the compensation, the Tribunal relying on

- wound certificate, EXP? ---- discharge summary found that „§«~%:;*i««» é the 321111': disbursement, which would be some; R3.'f.2,13,,112{}/--.

'7. Ensofar as loss -.;=f xmcnities is concerned the having noticed "tilt: in} uries and its effect on the.;vI\$.£3T1e':b<i(£\$,r;'£_hd~ 1" A that, awarding E~?s.15,000/- towards loss;£.amér:ities "3352. on the lower side. The same is enlarged ~ i./' .5>x « ' 3\$:?3\$/"\ V iorr£té Accmtingiy, {he claimant is entitled to 5015:x:s{?9;.3;9Q;':_ovm~ and V,' Bt.?\$.12.B above the <1:-compensation awarded V££1c*\$'V'Tri~b';;ç;§:s\$1..5.sli:1i£iv.viigzterest at 6% per on the;if\$11a\$ieçci.v<f{3ni;}énsz\$tió:£i the date of petition till payment. V 5..

with this finally allowed.

u Sdfud %%%%%%%%% Judgg