

Karnataka High Court

Kiran Kumar Kodi vs New India Assurance Co Ltd on 26 February, 2009

Author: B.V.Nagarathna

"'- "If ,. '- "V_~A'V'\ ' VI nnnliflnnn rilur l Luulu Ur l\AKnlAEA1U-I HIGH GUURT OF KARNATA

..1..

IN THE HIGH cmm GP' KARHATAILA M' BAHAs...:§c::22E

DATED THIS THE '26*** BAY cm FEBRUA§§;Y' {2;C§' {§I9'V4

BETWEEN' : -

KIRANKUMARKODI

510 K.8.NAVA.DA

AGED ABOUT 28 _ - -

R;A*rm.1444, 13?,

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snmauzptxnw T' - ,1;

BAHc.a.LmE.;:1. . _ %

-- I ...APPELum'r

(BY; \$121 v:._SI~:AsTR1, wv.,)

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1'3'-mm' co. LTD.

R<:'.£-1_=i. Umry□□nnmn . Anxmc□ MI\$3=_l'i3N mm '-.m::.. ms mmvmamm mm L"TIJ., _
'JFFICE, vim! KAR.NHI'AKA CIRCUIT HOUSE RGAI} DISTRICT -

'V V ...RE3PC3NI}ENT8

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l\l-IIIIVI-III-|l\l| l'll\ll'l DUUKI U!' IKHKIWRIRKA HIGH UQUKT UF THIS MFA FILED ms
1273(1) OF 1»s\,*llllac:r gamer TI-E JUIDGMENT ANIJ A'WARD..~«~.I3g%"IEYD_" 3.5.5200?
PASSED at MVC No.3394;20m , OF Tim ADDL. JUDGE, CGIJRT OF sMAIéL'."gA1JV\$Es," _
MEMBER, MACT-V, I~mI'R<}PQLrrAH ¢ L BANGALORE, (scar-:r:o.53 PAR?I'LY., Alznawmell 5
cum PE'I'ITIDH ma C(3IaIPENE':..I%.T'If£)YI mm 'E'aEf.I£I{;TIV1'§3"--.. ENHANCEMENT o?
coxumtsagna□ THIS ma come on my TI-IE coum DELIVERVEEQTHE J U This claimant
l□a□mpilnsation, being dis- auatia□a□ made' by MAUI', at Ba11ge..1ore O6 d.ate~d:8.6.o'7. '
..2A.--v.Th¢«v.Vlfelcvant facts of the case are that an 8.00 p.m., when the claim' ant his Kirietic*-
Honda on Railway parallel 4' Bangalsre, at that time, a '11' lorry bearing registration
No.KA;:25-6154 wa□/' nu-nun ruwn I-ilullllll vr nnnnnnnnn Hwin HOUR!' "Ur'li'Al(NATAI(A

HIGH COURT OF KARNATAKA HIGH"! =<I-II?-Inriu Iuwvlni TI nurlliliilrnill□-I'II'IIII 'WT' driven in a rash and negligent manner and against the c1a.1man' t, as a result, he fail sustained injuries. He was shift-531 side hospital and a□er □st aid, ' Mallige Medical Centre for iiet' patient and toek fellanw that he su□ered permanent of the injury sustaitlad in the petiticm seelnrg'

8. On rewipt the res-pon&nts "'a,I1Vd S reapective . wrtittcn Athe*««~aven11cnta made in the claim dismiasal ef the claim above p1eadmgs' , the I; following 71381133 for its the petitioner proves that, on ::j'QD.3.2006 at about 3.00 p.m., on /'/' ...-----u--- -v- cu-uuunvruu-III!' _ 4 ..

Railway paralal % road,____ Subramanyanagar, Bangalore, he with an accident 8: sustained inj_v.iiiriφIsu,. _.' _:".j' was due to aotzicmahle neg□geni;φ"iLri\$ti::;{□' the part of driver (if A Rmisha□on H9.KA-25-;6s13.§ iéiw. ii" « . : 7 A

-2. 'Whether the pe□□□er is compensa□n?' If sic; a;i%iiφ.ay mudh and from whom? ' 3- ' I'1'i\$VWi:a.3ci the clajm' ant examiiiiiami Dr. verr. V-cnkatcsh - PW-2; wit□iaa as PW-3 and got marked the respozidents did not let in the basis of the material on V tribtmal awarded compensation of . +i)00/- with imcrest at the rate of 6% p.a. "the date of claim pctiticin till realisation. Not satis□zdz with the said quantum of 9y»-

,~"ihφ I "V! -A \g\ -fivni Ur Iv-\IsIVIHil-\l\l-I ruun LUUKE U!" KAKNAIAKA HIGH COURT OF KARNATAKA HIGH COURT OF KARNATAKA HIGH ' compensation, the claimant has preferred appeal

5. I have heard 1ca.: 'x1cd:=.____ ccuzzilscf Afer "t'i2c appellant.

6. It is eubmittcs:i:' _.'c_n ~--£.1'1c' A that the & abrasions head injury, fracture cf Vccnlplcte tear of patellar 'u the evidence of the Doctor, ix;jurVi:Vcc5'4Vvfcru:§;..'c'5g_rievcus in nature. That wasaa.an~pancnt in Mallige Medical to 24.3.06 and that can account injuries, he was permanently ' the circumstances, the tribunal have awarded compcnccaticn on the head lji□essi of future earning capacity" or in the alternative the head "disability". In the instant case, no fr 'part c ..w._y_-u:.ynanu vi nruuu-|u'II\l'| TIIJI1 I.-\lUKI Ur IHKNRIHKA HIGH oonlpensatien has been awarded on the said hgads and therefcere, he requests this Court to ~ ccmpensation an the said heads.

7. Having regard to the the counsel for the appe1Eé1m:h,V arises far my cozxscjzg-ra.b'c;11..VViiis._ whetl□er the judgment and await? 'the tribunal requires any : _'L;1tg\$rferci 11c:#\$ _:'V.◀: - ;:I;s;%e\$*i;a1«.(§:1H_V.é'ecord, it is evident that mum φ£:%;:--%i%%;sS,£jco/+ has been awarded by * _' the tr-ibun"&I_ ' on :.he%%ro;1ow~mg heads viz, 'pain and . _gu□e;tEZng\$R\$.50','CioQ,f«+, "less of amenities cf life - □iedjcizza and attendant charges -- Rs.5Q,000_1%-- k 'loss af carning for the laid up "-R's.15,090/-,2 H/*

-unuu swan: vu nouns':-nu-any-| nlwri 1.9!-uflunl I.II"" nnnununnn I'!ll'I""I HUUKI UP IHKIVRIAKA HIGH CQURT OF I

-- capacity" and thereby did not award compensation on the said heads. However, note of the evidence of PW3 and PW-3-the the tribunal awarded compensation of 9' ...p- -uwwa-nu tn II:-urn-up-nu;-nu'.g [1

- the head 'pain and suffering' and '1V~V'.xu"ag pf ainiéniés" are rather disproportionate and a %;§}¢m£%%ies.15,00a;- has been awarded towards "losa during treatment period" and considering nature of injuries suffered by the appellant, I %/'4"

find that the award made by the _t.rih_z_;na.§ Hd□esfv a'1{;»f:4_ 'V call for any interference in
thfa " For the, afar'-ssnaici reasons; □g'r'c,§c:'tedf;