

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 19TH DAY OF JULY, 2000

BEFORE

HON'BLE MR.JUSTICE A M FAROOQ

M F A NO.1390 of 1996

Between:

N Narayanaswamy  
s/o C Narayanappa  
R/a Doddamarali village  
Chikkaballapura Taluk  
Kolar District

Appellant

(By Sri V Chandrappa - Advocate)

And:

1. K G Thippeswamy  
s/o Gundappa  
aged about 41 years  
residing at T R Nagar  
Challakere Taluk  
Chitradurga District.
2. New India Assurance Co., Ltd.,  
Holelkere Road  
Chitradurga District.  
by its Manager
3. The Oriental & General  
Insurance Company Limited  
12/2, Lalbagh Road  
Bangalore by its Manager.
4. Liyakath, Major,  
s/o Jabbar Sab  
No.263, Kandavarapet  
Chickballapur Town  
Kolar District.

Respondents



(By Sri Vishwanath S Shettar - Adv for R1 & 2  
Sri M Sowriraju - Adv for R3)

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MFA is filed U/s.173 of the Motor Vehicles Act against the judgment and award dated 5/12/1995 in MVC No.356/88 on the file of the District and Sessions Judge and Member MACT-II, Bangalore.

This appeal coming on for admission this day, Court delivered the following:

#### JUDGMENT

This appeal is filed by the claimant in MVC 356/88 seeking enhancement of the award made by the learned District and Sessions Judge and MACT-II, Bangalore Rural District granting a compensation of Rs.15,500/- with interest at 6% to the appellant as compensation for the injuries suffered by him.

2. The only question to be considered in this appeal is as to whether the award made by the claims Tribunal requires enhancement.

3. In the accident in question, the appellant has suffered the following injuries, fracture of left tibia, burns on the left shoulder, left side of the chest and right thigh. The appellant was an inpatient



in the hospital from 16/1/1988 to 25/2/1988 and again on 24/3/1988 to 8/4/1988. Apart from the treatment to the fractured leg, skin grafting was done on the petitioner and there was disfigurement of the body. The claims Tribunal has granted Rs.2500/- towards the medical and incidental expenses, Rs.5000/- towards pain and suffering, Rs.5000/- towards disfigurement and further a sum of Rs.3000/- towards loss of earning and in all Rs.15,500/-. As rightly contended by the learned counsel appearing for the appellant, the compensation granted by the Tribunal appears to be much on lower side. Considering the nature of the injuries suffered by the appellant and the long stay in the hospital for treatment, I am of the view that the appellant is entitled to a compensation of Rs.25,000/towards pain and suffering, Rs.5000/-/towards medical and incidental expenses, Rs.10,000/towards disfigurement and Rs.5000/- towards loss of earning. Thus the appellant is entitled for a total compensation of Rs.45,000/- with interest at 6% per annum from the date of petition till the date of payment. This appeal is, therefore, partly allowed



and in modification of the impugned award, there shall be an award for Rs.45,000/- with interest at 6% per annum to be satisfied by respondents 1 & 2.

akd\*

Sd/- JUDGE