

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 20TH DAY OF JULY 2012

BEFORE  
THE HON'BLE MR. JUSTICE HULUVADI G.RAMESH

**MFA No.9094/2011 (MV)**

BETWEEN :

SRI SURESH  
S/O RAMAIAH  
AGED ABOUT 32 YEARS,  
R/A RANGAIAHANA DODDI  
KAILANCHA HOBLI,  
RAMANAGAR TALUK &  
DISTRICT-571 511 ...APPELLANT

( By M/s. PURNA LAW ASSTS & K.P.BHUVAN )

AND :

THE MANAGING DIRECTOR  
K.S.R.T.C  
K.H.ROAD,  
BANGALORE ...RESPONDENT

( By Sri. N B PATIL )

MFA is filed under Section 173(1) of M.V.Act against the judgment and award dated 17-8-2011 passed by the Addl.MACT, Ramanagar, in MVC No.282/2008

This MFA coming on for Admission this day, the Court delivered the following:-

**JUDGMENT**

This appeal is by the claimant seeking for enhancement of compensation awarded by the Tribunal in MVC No.282/2008.

2. On 20-12-2007 when the claimant-appellant was proceeding on a motor cycle towards Ramanagaram, the KSRTC bus bearing No. KA 07 F 951 came in a rash and negligent manner to the extreme right side of the road and dashed against the motor cycle. In the accident, the claimant suffered injuries and took treatment in the hospital. In the claim petition filed, the Tribunal held that the accident was due to the rash and negligent driving of the bus and awarded compensation of Rs.4,20,100/- under various heads. Being not satisfied with the same, the present appeal is filed for enhancement.

2. Heard the learned counsel for the parties.

3. The claimant suffered compound fracture. He was operated twice. The doctor has found several disabilities and assessed 70% to right lower limb, 15% to left lower limb and 20% head injury and the total disability is assessed at 35%. Having regard to these disabilities, the compensation awarded by the Tribunal appears to be on the lower side. Hence, another sum of Rs.20,000/- is awarded under the head loss of amenities and enjoyment in life, Rs.10,000/- towards loss of income during treatment period, a sum of Rs.15,000/- towards loss of future income and a sum of Rs.5,000/- towards attendant and conveyance;

charges. Thus, in all the claimant is entitled to Rs.50,000/- with 6% interest from the date of petition till deposit in addition to the compensation awarded by the Tribunal.

4. The appeal is partly allowed. The judgment and \*award of the Tribunal is modified enhancing the compensation to the extent indicated above. The respondent shall deposit this amount with interest within a period of three months and the same be disbursed to the claimant-appellant.

Sd/-  
JUDGE

MP

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\* Corrected vide chamber order dated 30.10.2012