

IN THE HIGH COURT OF KARNATAKA,
CIRCUIT BENCH AT GULBARGA,
ON THE 17TH DAY OF JANUARY, 2013

BEFORE

THE HON'BLE MR.JUSTICE RAVI MALIMATH

MISCELLANEOUS FIRST APPEAL NO.31910 OF 2009 (MV)

BETWEEN

1. KRISHNABAI D/O DATTATRAYA BHANGI
AGE:16 YEARS
OCC:STUDENT
R/O:AKKALKOT,NOW TALIKOTI
TQ:MUDDDEBIHAL
REPTD:BY M/G PETITIONER NO.2
2. SUSHILA W/O HARI BHANGI
AGE: 55 YEARS
OCC:H.H.WORK,
R/O:AKKALAKOT
NOW AT TALIKOTI,
TQ:MUDDDEBIHAL
DIST:BIJAPUR. ... APPELLANT

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

AND

1. BIJOYKUMAR SHAHA
AGE: MAJOR OCC: BUSINESS
C/O CAR CHASSIS CARRIERS 18,
MUTKARA RAM BABU STREET,

KOLKATTA.

2. THE NEW INDIA ASSURANCE CO.LTD
THROUGH BIJAPUR BRANCH.

... RESPONDENTS

(BY SRI: DAYANAND ADV. FOR SRI. SHIVANAND PATIL,
ADVS. FOR R.2)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 06.10.2009 PASSED IN MVC NO.155/2006 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VI, AT BIJAPUR, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING FOR ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR HEARING, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

Aggrieved by the Judgment and award of the Tribunal, the claimants have filed the present appeal seeking enhancement. The accident and the liability are admitted.

2. The deceased was said to be a tailor and earning Rs.4,000/- per month. The death occurred in the

year 2005. The Tribunal held her notional income at Rs.3,000/- per month which is on the lower side. The claim set up by the claimants is appropriate. It cannot be said that it is fanciful. Hence, the sum of Rs.4,000/- per month is accepted. She was aged 30 years on the date of accident. Hence the appropriate multiplier would be 17 and not 18 as adopted by the Tribunal. Hence the loss of dependency works out as follows;

$$\text{Rs.4,000 less } \frac{1}{3} \times 12 \times 17 = \text{Rs.5,44,000/-}$$

A sum of Rs.30,000/- is awarded towards loss of love and affection. The amount awarded towards funeral, transportation and conveyance is enhanced by a sum of Rs.5,000/-. The amount awarded on the other heads are appropriate and undisturbed.

Hence in all the claimants is entitled to compensation as under;

1) Loss of dependency	Rs.5,44,000/-
2) Loss of love & affection	Rs. 30,000/-
3) Loss of estate	Rs. 10,000/-

4) For transportation of dead boy and funeral expenses. Rs. 15,000/-

Total Rs.5,99,000/-

6. Consequently, the compensation is enhanced by a sum of Rs.1,37,000/- (Rs.5,99,000/- less Rs.4,62,000/-) which shall carry interest at the rate of 6% per annum from the date of petition till the date of payment and to be paid within a period of four weeks from the date of receipt of copy of this order.

Sd/-
JUDGE

*MK