

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 05TH DAY OF FEBRUARY 2013

BEFORE

THE HON'BLE MR. JUSTICE S.N.SATYANARAYANA

MFA No.6201/2010(MV)

BETWEEN :

K P SATISH KUMAR
S/O C. PALANISWAMY,
AGED 20 YEARS, KONDANATHENUR VILLAGE,
HARIYAPPANPALYAM POST,
SATHYAMANGALA TALUK,
ERODE DISTRICT.

...APPELLANT

(By LAW MEN'S COMPANY, ADV.)

AND :

1 THE MANAGER
M/S RELIANCE GENERAL
INSURANCE COMPANY
LTD, CENTENARY BUILDING,
NO.28, M.G. ROAD, BANGALORE.

2 ANTHONY MANGALA MARY,
W/O SUDHEER,L
MAJOR, NO.104, 2ND MAIN ROAD,
BHARATHI LAYOUT,
SUDDUGUNTAPALYA,
BANGLAORE.

...RESPONDENTS

(By SRI H S LINGARAJ, ADV. FOR R1)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:12.04.2010 PASSED IN MVC NO.5360/2009 ON THE FILE OF THE IX ADDITIONAL SENIOR CIVIL JUDGE AND MEMBER MACT, COURT OF SMALL CAUSES, BANGALORE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION, ETC.,

THIS APPEAL COMING ON FOR ADMISSION THIS DAY THE COURT DELIVERED THE FOLLOWING :

JUDGEMENT

The claimant in MVC No. 5360/2009 on the file of the MACT, Bangalore, has come up in this appeal seeking enhancement of the compensation awarded by the judgment and award dated 12.04.2010, for the injuries suffered in a road traffic accident dated 22.06.2009.

2. The accident is not in dispute so also involvement of car bearing registration No.KA-05 AB-1580 in causing the said accident, resulting in fracture of medial malle olus left ankle which is grievous in nature and other injuries. Documents available on record show immediately the injured was shifted to Jayanagar Orthopedic Center and there after he was taken to Tamilnadu. He

was admitted in Shyamala hospital on 24.06.2009 for treating the injuries suffered by him in road traffic accident. Despite treatment he became permanently disabled as he cannot walk, stand for long time, walk for long distance, lift weight, he cannot run, sit cross legged and he even cannot wear shoes.

3. However, in the proceedings before the Tribunal, the claimant has not produced any documents to substantiate his claim. The Tribunal on appreciation of available documents has awarded compensation in a sum of Rs.45,500/-. Being aggrieved by the same this appeal is filed by the claimant seeking enhancement of the compensation so awarded.

4. Heard the learned counsel for appellant as also the learned counsel for respondent – insurance company.

5. In this proceedings the accident is not in dispute so also the injuries suffered by the claimant . It is also not in dispute that he took only first aid treatment in Bangalore and thereafter she was shifted for better treatment to Tamilnadu. In that view of the

matter, the compensation awarded by the Tribunal under various heads is required to be reconsidered. Instead, of doing so this court feels globally another Rs.30,000/- would be awarded to claimant, that would meet the ends of justice.

6. Accordingly, appeal filed by the claimant is allowed in part enhancing the compensation awarded by the Tribunal in a sum of Rs.45,500/- to **Rs.75,500/-** by awarding additional compensation in a sum of Rs.30,000/-, which he is entitled to with interest at the rate of 6% per annum from the date of petition till the date of deposit on the enhanced compensation.

Sd/-
JUDGE

VK