

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 30TH DAY OF MARCH, 2012

BEFORE

THE HON'BLE MR.JUSTICE SUBHASH B. ADI

M. F. A. No.20222/2010 (MV)

BETWEEN:

Kareppa, S/o Dhareppa Aladakatti,
Age: 51 years, Occ: Agriculture,
R/o Budigoppa, Tq. Saundatti,
Dist: Belgaum.

... Appellant

(By Sri H.M.Dharigond, Adv.)

AND:

1. Kareppa, S/o Bhimappa Nandi,
Age: Major, Occ: Business,
R/o Wadaratti, Tq. Gokak,
Dist: Belgaum.
2. The Divisional Manager,
The New Assurance Company Limited,
Divisional Office, Belgaum Division,
Dist: Belgaum.

...Respondents

(By Sri Abhay Kumar C. Dongare, Adv. for R-1;
Sri P.H.Pawar, Adv. for R-2)

This MFA is filed under Section 173(1) of the M.V.Act against the judgment and award dated 09.10.2009 passed in MVC No.2649/2006, on the file of the Member, Addl. MACT, Saundatti, partly allowing the claim petition for compensation and seeking enhancement of compensation.

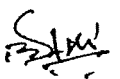
This MFA coming on for admission, this day, the Court delivered the following:

JUDGMENT

This appeal is by the claimant seeking enhancement of compensation. The Tribunal has awarded compensation of Rs.80,600/- with interest.

2. It is not in dispute that the claimant has suffered two injuries. One is fracture of lower end radius ulna C radio ulnar. He was inpatient for quiet some time. The Doctor has assessed 30% disability to the limb. Correspondingly, 10% disability to the whole body is accepted by the Tribunal. Income of the claimant is taken at Rs.3,600/-.

3. Towards pain and sufferings, loss of amenities, incidental expenses and loss of income during laid up period, compensation awarded appears to be on lower side. Having



regard to the same, claimant is awarded global compensation of Rs.50,000/- with interest, over and above the compensation awarded by the Tribunal.

Sd/-
JUDGE

mkc