

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 29TH DAY OF NOVEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

MISCELLANEOUS FIRST APPEAL NO.5975/2011 (MV)

Between:

Master Akshaya,
Now aged about 13 years, minor,
Reptd. By his father guardian
And next friend Sri M.Annu,
S/o Mathadi, Aged about 44 years,
R/o Peramajalu House, Shirady Village & Post,
Puttur Tq., D.K. Dist. 574 201. Appellant.

(By Sri Vishwanatha Poojary, K., Adv.)

And:

- 1 K.B. Ishwara, Adult,
S/o Liti, R/o Kodenji House,
Nidle Village and Post,
Belthangady Taluk,
D.K. Dist. 574 214.
- 2 The Branch Manager,
United India Insurance Co. Ltd.,
Puttur Branch Office,
Puttur Kasaba Village,
Puttur Tq. & Post, D.K. 574 201. Respondents.

(By Smt. H.R. Renuka, Adv. for R2
Notice to R1 dispensed with)

This Miscellaneous First Appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, against the judgment and award dated 18.11.2010 in MVC No.1486/2005 on the file of the Motor Accident Claims Tribunal at Puttur, D.K., etc.

This Miscellaneous First Appeal coming on for Admission this day, the Court delivered the following:

JUDGMENT

This appeal by the claimant is directed against the judgment and award in MVC No.1486/2005 dated 18.11.2010 on the file of the Motor Accident Claims Tribunal at Puttur, D.K, whereby the Tribunal has awarded total compensation of Rs.25,100/- with interest at 6% per annum from the date of the petition till the date of deposit.

2. I have heard the learned Counsel for the parties.

3. It is evident that the claimant had sustained the following injuries in the accident occurred on 28.3.2005:

- “1) Abrasion 2 cm x 1 cm over right side of the nose;
- 2) Abrasion 4 cm x 3 cm over right knee”

CT scan shows the fracture of right temporal bone and comminuted fracture of right petrous temporal bone.

4. The claimant was hospitalized for 3 days at A.J.Hospital, Mangalore. The Tribunal has awarded Rs.21,000/- towards pain and suffering, Rs.3,500/- towards medical expenses, which is just and reasonable. The Tribunal ought to have awarded appropriate compensation towards conveyance, food, nourishment, etc. Under this head, the Tribunal has awarded a sum of Rs.400/-. I am of the view that an additional sum of Rs.10,000/- has to be awarded to the claimant under this head.

5. In the result, the appeal succeeds and it is accordingly allowed in part. The respondent – Insurance company is directed to deposit a sum of Rs.10,000/- with interest at 6% per annum from the date of the petition till the date of deposit in addition to what has been awarded by the Tribunal within a period of eight weeks from

the date of receipt of a copy of this order. The appellant is permitted to withdraw the amount on its deposit. No costs.

Sd/-
JUDGE.

BMM/-