

**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 31ST DAY OF AUGUST 2017
BEFORE
THE HON'BLE MR.JUSTICE L. NARAYANA SWAMY
MISCELLANEOUS FIRST APPEAL No.23954 2012 (MV)**

BETWEEN:

Lakshminarayana
s/o Harijana Beemaraj @ Bheemaraj
age 21 years
occ: Ex-employee in
Geetha Ice Factory
r/o Konthanapalli, Rayadurga Mandala
presently r/o
Sreerampur Colony
Bellary

...APPELLANT

(by Manjunath G. Patil, Advocate,)

AND:

1. Krishtappa
S/o Hanumanthappa
Agriculturist
Owner of Auto bearing NO.KA.02/TA 3910
R/o H No.1-189, Konthanapalli
Rayadura Mandal
Ananthapur District, A.P.
2. M/s. ICICI Lombard General Insurance Co.
By its Manager
Parvathi nagar
Main Road
Bellary

...RESPONDENTS

(by Shri S.K. Kayakamath, Advocate for R2)

This appeal is filed under section 173(1) of the MV Act 1988, against the judgment and award dated 13.04.2012 passed in MVC No.1295 of 2011 on the file of the member, MACT-IX, Bellary partly allowing the claim petition for compensation and seeking enhancement of compensation.

THIS APPEAL COMING ON FOR **ADMISSION/FINAL HEARING** THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is filed by the claimant seeking enhancement as against the compensation of Rs.93,200/- awarded by the claims Tribunal by the judgment and award dated 13.04.2012 in MVC No.1295/2011.

2. I have gone through the judgment and award passed by the claims tribunal.

3. The accident and coverage of policy is not in dispute. The claims tribunal has not assessed future loss of income though the doctor has deposed 15% disability to the particular limb. Therefore, disability to the whole body comes to 5%. The claimant is stated to have engaged in selling ice

cream. Year of accident being 2011, monthly income is to be assessed at Rs.6,000/-. The claimant was aged 20 years and the applicable multiplier is 18. Therefore, the loss of future income would be $\text{Rs.6000} \times 12 \times 18 \times 5\% = \text{Rs.64,800/-}$ which is awarded under the head loss of future income which shall carry interest at 6% per annum. The amount awarded under other heads shall remain intact.

Accordingly, the appeal is partly allowed.

**Sd/-
JUDGE**

akd*