

IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 15TH DAY OF MARCH, 2010

PRESENT

THE HON'BLE MR. JUSTICE K.SREEDHAR RAO

AND

THE HON'BLE MR. JUSTICE B. MANOHAR

M.F.A. No.7029 OF 2004 (MV)

BETWEEN:-

SRI B.S.JAYANTH KUMAR,
AGED 28 YEARS,
S/O B.SHANKARA DEVEGOWDA,
R/A NO.109, OPPOSITE TO ST.MARKS SCHOOL,
HESARAGHATTA ROAD,
T.DASARAHALLI,
BANGALORE-560 057

.. APPELLANT

(BY SRI M.S.SANJAY GOWDA, ADV.)

AND:-

1. M/S.THE NEW INDIA ASSURANCE
COMPANY LTD., NO.2-B,
UNITY BUILDING ANNEXE,
MISSION ROAD,
BANGALORE-560 027,
NOW AT DIVISIONAL OFFICE XII (672300)
MAYUR COMPLEX, KIADB MAIN ROAD,
PEENYA, BANGALORE-58.
2. SMT.SHASHIKALA, MAJOR,
WIFE OF V.N.NAGARATHNAIAH,
R/AT:VYBHAV,
2ND CROSS, SOMESWARAPURAM,
TUMKUR.



3. SRI.M.S.HARIPRASAD,
 AGED 31 YEARS,
 S/O LATE SRINIVASAMURTHY,
 R/AT:SHEETHIHALLI,
 TUMKUR DISTRICT.

....RESPONDENTS

(BY SRI R.JAIPRAKASH, ADV. FOR R.1,
 SRI B.V.SURESH, ADV. FOR R.2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD ADTED 3.6.2004 PASSED IN MVC NO.448/2000 ON THE FILE OF THE MEMBER, MACT-V, ADDL. JUDGE, COURT OF SMALL CAUSES, BANGALORE, SCCH NO.5, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL IS COMING ON FOR ORDERS THIS DAY, **SREEDHAR RAO, J.**, DELIVERED THE FOLLOWING:

J U D G M E N T

The appellant/petitioner sustained fracture of left femur, fracture of left patela and fracture of left base of 5th metacarpal bone in a motor vehicle accident. The occurrence of the accident, negligence of the driver of the offending vehicle and coverage of insurance for the vehicle are not in dispute. The appeal pertains only for enhancement of compensation.

2. The petitioner is working as Service Engineer in a private Company. The permanent disability is assessed at 10%. The petitioner was getting salary of Rs.4,500/- per month. The income



loss proportionate to disability would be Rs.450/- p.m. The total loss of future income on account of disability would be Rs.450 x 12 x 18 = Rs.97,200/-. The petitioner granted Rs.50,000/- towards pain and agony, Rs.10,000/- towards loss of amenities and discomforts. Medical bills produced for Rs.72,000/-. Petitioner is granted Rs.85,000/- towards medical and incidental expenses. Rs.25,000/- is granted for loss of income during laid up period. In all, petitioner is entitled for compensation of Rs.2,67,200/- as against Rs.1,96,500/-. On the enhanced compensation the interest payable is at 6% p.a. from the date of the petition till payment. The entire enhanced compensation shall be paid to petitioner without provision for deposit. Accordingly, the appeal is allowed in part in the terms indicated above.

Sd/-
JUDGE

Sd/-
JUDGE

ap*