

Umesh vs Sathish

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Court : Karnataka

Decided On : Jun-13-2024

Judge : Hemant Chandangoudar

Appeal No. : MFA/9085/2018

Appellant : UMESH

Respondent : Sathish

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JUNE, 2024 BEFORE THE HON'BLE
MR JUSTICE HEMANT CHANDANGOUDAR MFA NO. 9085 OF 2018
(MV-I) BETWEEN:

1. UMESH S/O SIDDAPPA GOWDA, AGED ABOUT 51 YEARS,
OCC:AGRICULTURIST, R/O GUDUGODU ERAVAKKI VILLAGE,
SAGAR TALUK, APPELLANT (BY SRI. H K BASAVARAJ., ADVOCATE)
AND:

1. SATHISH S/O NAGAPPA, AGED ABOUT 35 YEARS, R/OF ERAVAKKI VILLAGE,

Digitally signed by B SAGAR TALUK,K

COURT OF KARNATAKA BAJAJ DISCOVERY, DTS BIKE

2. THE DIVISIONAL MANAGER

THE ORIENTAL INSURANCE CO LTD., ASHOKA ROAD, SAGAR TOWN, RESPONDENTS (BY SRI. SHIVALLI SHIVAYOGI YALLAPPAGOUDA., ADVOCATE R2; SRI. K.V.NAIK FOR R1) -2- THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE

JUDGMENT AND AWARD DATED 01.06.2018 PASSED IN MVC

NO.1039/2015 ON THE FILE OF THE PRL. SENIOR CIVIL JUDGE, SAGAR, MEMBER, MACT-9, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION. THIS APPEAL IS COMING ON FOR ADMISSION, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

The claimant has filed this appeal under Section 173(1) of the Indian Motor Vehicle Act challenging the judgment and award dated 01.06.2018 passed by the Principal Senior Civil Judge and MACT-9, Sagar, Shivamoga District in MVC No.1039/2015.

2. The appellant having sustained accidental injuries on

17.04.2015 filed a claim petition under Section 166 of the Motor Vehicle Act claiming just and proper compensation, and the Tribunal although awarded Rs.1,74,998.50/-, however, in the operative portion of the award, the total compensation amount is shown as Rs.1,64,999/-. Claimant is in appeal seeking enhancement of compensation.

3. Heard learned counsel for the parties.

4. The claimant having sustained accidental injuries in a

road traffic accident is not disputed and the claimant was aged 48 years as on the date of the accident. The claimant sustained the following injuries in the road traffic accident. Comminuted fracture anterior and lateral wall of right maxillary sinus seen. -3- Fracture anterior wall of left maxillary sinus seen. Bilateral maxillary haemosinus seen. Fracture lateral wall of right orbit seen. Fracture right zygomatic arch seen. Fracture bilateral pterygoid plates seen. Fracture both nasal bones seen.

5. The wound certificate at Ex.P7 is not disputed. Although, the doctor was not examined to assess the functional disability of the appellant/claimant. However, having regard to the

nature of injuries, the claimant has suffered functional disability. Therefore, having regard to the nature of injuries sustained and the avocation of the claimant who is an agriculturist, the claimant is entitled for total compensation amount of Rs.2,75,000/- as against Rs.1,64,999/- awarded by the Tribunal. The enhanced compensation amount of Rs.1,10,000/- shall carry interest at the rate of 6% per annum from the date of petition till realization. To this extent the impugned award passed by the Tribunal stands modified. Sd/- JUDGE HB List No.: 1 Sl No.: 24

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