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SLP(C)No. 12237 OF 2001

ITEM No.42

Court No. 2

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.12237/2001

(From the judgement and order dated 02/04/2001 in MFA 5339/98
of The HIGH COURT OF KARNATAKA AT BANGALORE)

D. DATHATHREYA AITHAL

Petitioner (s)

VERSUS

G.M., K.S.R.T.C.

Respondent (s)

(With prayer for interim relief)

Date : 11/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)

Mr. S.N. Bhat,Adv.

For Respondent (s)

Mr. K.R. Nagaraja,Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is disposed of.

.SP1

(Y.P.Dhamija) (Suneet Bala Sharma)@@
AA
Court Master Court Master@@

AAAA

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1073/2002@@
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(arising out of SLP(C) No.12237/2001)

B.D.Aithal ..Appellant

Vs.

G.M.,K.S.R.T.C. ..Respondent

O R D E R>@@
EEEEEEEEEEEE

.....L.....I.....T.....T.....T.....T.....J.
.SP2

Leave granted.

This appeal is directed against the impugned order of the Karnataka High Court. By the impugned judgment the High Court has interfered with an order of the Motor Vehicles Claims Tribunal awarding compensation to the tune of Rs.2,33,138/-. The High Court in paragraph 10 of the impugned judgment does not dispute the fact that the claimant injured has sustained injuries on his left shoulder, plank,spine etc., and there was fracture of pelvis, neck-scapula and compressed fracture of L-1 Vertibra. But on the ground that notwithstanding the aforesaid injuries, since there is no evidence that his income was reduced, the High Court interfered with the amount of compensation, and as against Rs. 2,33,138/- the High Court has awarded only Rs.45,000/-. Having heard the learned counsel for the parties, we are of the considered opinion that the conclusion of the High Court, on the face of it, is erroneous. Having regard to the facts and circumstances of the case, and nature of injuries sustained by the claimant, we direct enhancement of compensation of Rs.1,00,000/- (Rupees One Lakh) which is

- 2 -

in addition to Rs.45,000/- awarded by High Court and the aforesaid one lakh should be paid by the respondent to the appellant within a period of 8 weeks from today, failing which it will carry interest at the rate of 9% per annum.

The appeal is disposed of.

.SP1
.....J.
(G.B. PATTANAIAK)

New Delhi,
February 11, 2002
.....J.
(BRIJESH KUMAR)