

ITEM NO.7

COURT NO.8

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S).  
30948-30949/2013

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 22/11/2012  
IN MFA NO. 22444/2009 AND MFA NO. 22867/2009 PASSED BY THE HIGH  
COURT OF KARNATAKA CIRCUIT BENCH AT DHARWAD)

BALA

PETITIONER(S)

VERSUS

DIV.MNGR. UNITED INDIA INSURANCE CO. LTD.  
& ANR.  
(WITH OFFICE REPORT)

RESPONDENT(S)

Date : 16/03/2015 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. Devadatt Kamat, Adv.  
Mr. Javedur Rahman, Adv.  
Mr. Rauf Rahim, Adv.

For Respondent(s) Ms. Neerja Sachdeva, Adv.  
Ms. Meera Mathur, Adv.

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

Leave granted.

The appeals are allowed in terms of the signed  
order.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2917-2918 OF 2015  
[Arising out of Special Leave Petition  
(Civil) Nos. 30948-30949/2013]

BALA . . . APPELLANT

VERSUS

THE DIVISIONAL MANAGER,  
UNITED INDIA INSURANCE CO. LTD.  
& ANR. . . . RESPONDENTS

ORDER

1. Leave granted.
2. The challenge in these appeals is against the order dated 22<sup>nd</sup> November, 2012 passed by the High court of Karnataka bench at Dharwad in Miscellaneous First Appeal No.22444/2009 and Miscellaneous First Appeal No.22867/2009 by which the compensation awarded to the appellant has been reduced from Rs.4,98,500/- to

Rs.4,61,800/-. The interest allowed by the learned Tribunal at 8% per annum has also been reduced by the High Court to 6% per annum.

3. The appellant, at the time of the accident which occurred in the year 2007, was an agricultural labourer and his age was about 30 years. He claimed to have been earning about 6,000/- per month. The injuries suffered by him led to virtually loss of the left leg which has been assessed by the doctor to have resulted in disablement to the extent of 60%.

4. Against the award of the learned Tribunal, both sides had moved the High Court and the order impugned before us is the common order passed in the two appeals.

5. We have taken note of the order of the learned Tribunal as well as that of the

High Court. It is our considered view that the appellant is entitled to a higher compensation which we assess as follows:

(i) The amount of medical expenses claimed by the appellant at Rs.1,00,000/- is maintained in view of the materials/evidence that is available on record.

(ii) Taking into account that the appellant was an agricultural labourer aged about 30 years at the time of the accident, we are of the view that an additional lump-sum amount of Rs.1,00,000/- (Rupees One lakh) should be awarded to him for loss of future income.

(iii) All other heads of compensation as assessed by the learned Tribunal is maintained.

6. Accordingly, we enhance the amount of compensation from Rs.4,98,500/- as awarded by the learned Tribunal to

Rs.6,98,500/-. We round up the compensation figure at Rs.7,00,000/- (Rupees Seven lakh). The interest awarded by the Tribunal at 8% per annum is restored. The balance amount along with interest will be paid to the appellant after deducting the amount already paid within a period of three months from the date of receipt of a copy of this order.

7. The appeals are allowed in the above terms.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(N.V. RAMANA)

NEW DELHI  
MARCH 16, 2015