

**(2011) 03 KAR CK 0229**  
**In the Karnataka High Court**  
**Case No : M.F.A. No. 6503 of 2007**

Lalithamma @ Lalitaha

APPELLANT

Vs

Motor India Electronics Ltd. and The Oriental Insurance  
Company Ltd.

RESPONDENT

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**Date of Decision :** 29-03-2011

**Acts Referred:**

Motor Vehicles Act, 1988 — Section 166

**Citation :** (2011) 03 KAR CK 0229

**Hon'ble Judges :** N.K. Patil, J

**Bench :** Single Bench

**Advocate :** K.L. Sreenivas, for the Appellant; V. Narayanaswamy, for R2, for the Respondent

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## Judgement

N.K. Patil, J.—This appeal by the claimant is directed against the impugned common judgment and award dated 30th November 2006, passed in M.V.C. No. 679/2000 by the Civil Judge (Sr. Dn) and Motoi Accident Claims Tribunal, Maddur, (for short, "Tribunal") for enhancement of compensation on the ground that, the compensation of Rs. 90;000/- awarded in favour of the claimant as against her claim for Rs. 03.00 Lakhs, is inadequate.

2. The occurrence of accident at about 1:30 P.M. on 25/12/1998 and the resultant injuries sustained are not in dispute. It is also not in dispute that the Appellant was aged about 28 years as on the date of accident and hale and healthy prior to it.

3. On account of the injuries sustained in the accident, the Appellant filed the claim petition u/s 166 of the Motor Vehicles Act, before the Tribunal, seeking compensation of a sum of Rs. 03.00 lakhs against the Respondents. The said claim petition had come up for consideration before the Tribunal on 30th November 2006. The Tribunal, after considering the relevant material available, on file and after appreciation of the oral and documentary evidence, allowed the claim petition in part, awarding a sum of Rs. 90,000/- with interest at 6% per

annum, from the date of petition till the date of payment. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the Appellant is in appeal before this Court, seeking enhancement of compensation.

4. I have heard learned Counsel for Appellant and learned Counsel for second Respondent - insurer, for quite some time.

5. Learned Counsel appearing for both the parties, after due deliberations in the matter, after going through the original records available on file and taking into consideration the age, avocation, the year of accident, nature of injuries sustained and the disability assessed by Doctor, period of treatment undergone and other relevant aspects, fairly submitted that another sum of Rs. 30,000/- with interest at 6% from the date of petition till the date of realization may be awarded, in addition to the compensation of Rs. 90,000/- awarded by Tribunal, in full and final settlement of the claim of the parties.

6. Placing the said submission of the learned Counsel for the parties, on record, the appeal filed by Appellant is allowed in part. The impugned judgment and award dated 30th November 2006, passed in M.V.C. No. 679/2000 by the Civil Judge(Sr. Dn) and Motor Accident Claims Tribunal, Maddur, is hereby modified, awarding a sum of Rs. 30,000/- with interest at 6% per annum, in addition to the compensation awarded by Tribunal.

The Insurance Company is directed to deposit the enhanced compensation of Rs. 30,000/-, with interest thereon at 6% per annum, within four weeks from the date of receipt of copy of the judgment and award.

On such deposit by the Insurance Company, the entire sum shall be released in favour of the Appellant, immediately

Office to draw award, accordingly.