

(2011) 03 KAR CK 0110
In the Karnataka High Court
Case No : M.F.A. No. 611 of 2009

Mallesha

APPELLANT

Vs

General Manager

RESPONDENT

Date of Decision : 29-03-2011

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2011) 03 KAR CK 0110

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

Bench : Single Bench

Advocate : Y.N. Leelavathi, for the Appellant; F.S. Dabali, for the Respondent

Judgement

N.K. Patil, J.—This appeal by the claimant is directed against the impugned judgment and award dated 21st August 2008, passed in M.V.C. No. 1927/2007, by the IX Additional Judge, Court of Small Causes, Member, Motor Accident Claims Tribunal, Bangalore, (for short, Tribunal") for enhancement of compensation on the ground that, the compensation of Rs. 43,000/- awarded in favour of the claimant as against his claim for Rs. 03.00 Lakhs, is inadequate.

2, The occurrence of accident at about 9:30 A.M. on 04/11/2006 and the resultant injuries sustained are not in dispute. It is also not in dispute that the Appellant was aged about 33 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 21st August 2008. 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. 43,000/- with interest at 8% per annum, from the date of petition till the date of realization. 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 Respondent - Corporation, 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. 43,000/- 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 21st August 2008, passed in M.V.C. No. 1927/2007, by the IX Additional Judge, Court of Small Causes, Member, Motor Accident Claims Tribunal, Bangalore, 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 Respondent Corporation 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 Corporation, the entire sum shall be released in favour of the Appellant, immediately.

Office to draw award, accordingly.