

(2010) 03 KAR CK 0140
In the Karnataka High Court
Case No : M.F.A. No. 8329 of 2004

Master Sharath Babu M.R. (represented by his natural
guardian/mother, Mrs. H.R. Lakshmi Devi)

APPELLANT

Vs

The Oriental Insurance Co. Ltd. and Mr. M.N. Ravindra

RESPONDENT

Date of Decision : 22-03-2010

Acts Referred:

Citation : (2010) 03 KAR CK 0140

Hon'ble Judges : N.K. Patil, J;H.S. Kempanna, J

Bench : Division Bench

Advocate : J. Prakash, for the Appellant; B.S. Umesh, for R-1, for the
Respondent

Final Decision : Dismissed

Judgement

N.K. Patil, J.—This appeal is arising out of the impugned judgment and award dated 11.02.2004 passed in MVC No. 2523/2000 on the file of the IX Additional Civil Judge & Member, Motor Accident Claims Tribunal-7, Court of Small Causes, Bangalore (SCCH-7), (hereinafter referred to as "Tribunal" for short).

2. The Tribunal by its judgment and award has awarded a sum of Rs. 1,50,000/- with interest at 6% per annum from the date of petition till the date of deposit, as against the claim of the appellant for a sum of Rs. 8,00,000/-, on account of the injuries sustained by him in the road traffic accident. Being aggrieved by the said judgment and award, the appellant has presented this appeal, through his natural guardian, mother, for enhancement of compensation, on the ground that, the amount awarded by the Tribunal is inadequate.

3. We have heard the learned Counsel for the appellant and learned Counsel appearing for first respondent.

4. The occurrence of the accident and the injuries sustained by the appellant in the said accident are not in dispute. After careful perusal of the impugned judgment and award passed by the Tribunal, we do not find any error of law,

much less material irregularity, as such committed by the Tribunal in allowing the claim petition in part. The Tribunal, after assessing the oral and documentary evidence available on file and after recording a valid reasons, has allowed the claim petition in part and awarded a sum of Rs. 1,50,000/- under different heads with interest at 6% p.a. from the date of petition till the date of deposit. The said compensation awarded by the Tribunal is just and proper. Therefore, interference by this Court in the well considered judgment and award passed by the Tribunal is not called for. Nor we find any good grounds as such made out by the appellant to entertain this appeal. Hence, the appeal filed by the appellant is liable to be dismissed as devoid of merits. Ordered accordingly.