

(2014) 10 KAR CK 0105

In the Karnataka High Court

Case No : Miscellaneous First Appeal No. 6702 of 2014 (MV)

S.R. Rudramuni

APPELLANT

Vs

S.V. Chandrappa

RESPONDENT

Date of Decision : 29-10-2014

Acts Referred:

Motor Vehicles Act, 1988 — Section 166

Citation : (2014) 10 KAR CK 0105

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

Bench : Single Bench

Advocate : N.R. Range Gowda, Advocate for the Appellant

Judgement

N.K. Patil, J.—This appeal by the claimant is directed against the common judgment and award dated 4th June 2014, passed in MVC No. 83/2011, by the Senior Civil Judge, Member, Additional Motor Accident Claims Tribunal, Hiriyur, (for short, "Tribunal"), for enhancement of compensation on the ground that, the compensation of Rs. 12,000/- with interest @, 6% p.a. awarded in favour of the claimant as against his claim for Rs. 1,00,000/-, is inadequate.

2. The appellant claims to be aged about 19 years and hale and healthy prior to the date of accident. That the occurrence of accident at about 1:00 P.M., on 23-08-2010, when the appellant was coming back to his village after completing the labour work, from Ealavarahatti village to Suguru village, as pedestrians, near Ealavarahatti Channel cross, on account of rash and negligent driving by the driver of Tractor bearing Registration No. KA-40/T-4356-4357, is not in dispute. Due to the impact, the appellant sustained injuries and took treatment in the Hospital.

3. On account of the injuries sustained in the accident, the appellant filed the claim petition under Section 166 of the Motor Vehicles Act, before the Tribunal, seeking compensation of a sum of Rs. 1,00,000/- against the Insurance Company and another. The said claim petition had come up for consideration

before the Tribunal on 4th June, 2014. 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 compensation of Rs. 12,000/- with interest at 6% 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 has filed the appeal before this Court, seeking enhancement of compensation.

4. I have gone through the grounds urged in the memorandum of appeal and the impugned judgment and award passed by Tribunal and heard the learned counsel appearing for the appellant.

5. Learned counsel appearing for appellant, Shri N.R. Range Gowda, at the outset vehemently submitted that, the Tribunal grossly, erred in awarding global compensation of only a sum of Rs. 12,000/- instead of awarding reasonable compensation under all the heads, on account of the grievous injuries sustained by the appellant and therefore, the impugned judgment and award passed by Tribunal is liable to be modified, awarding just and reasonable compensation.

6. After hearing the learned counsel appearing for appellant, after perusal of the impugned judgment and award passed by Tribunal, and after due consideration of the entire material available on file, it can be seen that the Tribunal, after assessing the oral evidence, has awarded just and reasonable compensation towards all the heads and the same is passed after considering the age, avocation, nature of injuries sustained, nature and duration of treatment, wound certificate, etc. Further, it can be seen that, as per Ex. P4, Wound Certificate, the appellant sustained three injuries and all of them are simple in nature. The Tribunal has specifically observed that, there is no material on hand by PW1 that he incurred medical expenses or he took any further treatment for the injuries sustained by the appellant in the accident. Therefore, I am of the view that the Tribunal is justified in recording the said finding and awarding compensation of Rs. 12,000/- for the injuries sustained by the appellant. Hence, it does not call for interference nor the appellant has made out a case for interference.

7. Therefore, having regard to the facts and circumstances of the case, the appeal filed by appellant is liable to be dismissed as being devoid of merit. Accordingly, it is dismissed.

Office to draw award, accordingly.