(2011) 07 KAR CK 0255

In the Karnataka High Court

Case No : MFA No. 553 of 2009 (MV) C/w MFA No. 761 of 2009 (MV)

Sri Narasimha Murthy, Smt. Vinodamma and Kumari Rajamma APPELLANT

Vs

Sri J.D. Manjunath
 The United India Insurance Company Ltd. Vs Sri Narasimha Murthy, Smt. Vinodamma and Kumari Rajamma RESPONDENT

Date of Decision : 22-07-2011

Acts Referred:
Motor Vehicles Act, 1988 — Section 163 A

Citation : (2011) 07 KAR CK 0255

Hon'ble Judges : K. Govindarajulu, J

Bench : Single Bench

Advocate : K.R. Ramesh, in MFA No. 553/2009 MV and Sri P.B. Raju, in MFA No. 761/2009 MV, for the Appellant; P.B. Raju, for R2 in MFA No. 553/2009 (MV)and Sri K.R. Ramesh in MFA No. 761/2009 (MV), for the Respondent

Final Decision : Allowed

Judgement

K. Govindarajulu

1. MFA 553/2009 is filed by the claimants and MFA 781/2009 is filed by the Insurance Company. Though the matter had come up for admission, with the consent of both parties, it is taken for consideration an merits.

2. The claimants are the father, mother and sister of the deceased Niranjanamurthy. They have filed the claim petition u/s 163-A of the Motor Vehicles Act claiming compensation of Rs. 10,00,000/-. The Tribunal, after assessing the income as per the Schedule II has awarded compensation of Rs. 3,24,000/-.

3. Learned advocate for the claimants contend that the compensation is on the tower side and seeks for enhancement.

4. Per contra, learned counsel for the Insurance Company contend that the claim being u/s 163A of the M.V. Act, the method adopted by the Tribunal is not correct.

5. I have carefully perused the records and considered the submissions. As the claim petition is fifed under 163-A of the M.V. Act, the compensation, would not have been worked out to Rs. 3,24,000/- as the maximum income is fixed at Rs. 40,000/- under the Schedule. Hence, it works out to Rs. 2,56,000/- + Rs. 4,500/- towards conventional heads. In all, the claimants are entitled to Rs. 2,60,500/- as against Rs. 3,24,000/-. The impugned judgment and award is hereby modified by reducing the compensation. Accordingly, the appeal filed by the Insurance Company is allowed and the appeal filed by the claimants stands dismissed.