

(2012) 01 KAR CK 0160
In the Karnataka High Court
Case No : M.F.A. No. 7772 of 2011 (MV)
Sri. Rangaraju and Smt. Doddamma

Date of Decision : 03-01-2012

Acts Referred:

Citation : (2012) 01 KAR CK 0160

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

Bench : Single Bench

Advocate : R. Pramod, for the Appellant; M.S. Sriram, Advocate for R2; Notice to R1 dispensed, for the Respondent

Judgement

N.K. Patil

1. Though this matter is posted In Admission list, with the consent of the learned counsel for the parties and having regard to the facts of the case,

the same is taken up for final disposal.

2. This appeal by the claimants is directed against the judgment and award dated 27th June 2011, passed in MVC No. 149/2010, by the

Presiding Officer, Fast Track Court, Kollegal, sitting at Chamarajanagar, (for short, "Tribunal") for enhancement of compensation on the ground

that, the global compensation of Rs. 2,25,000/- awarded in favour of the claimants as against their claim for Rs. 05.00 lakhs, is inadequate.

3. After careful perusal of the judgment and award passed by Tribunal, it is seen that, the occurrence of accident at about 08:30 A.M. on 09-06-

2010 near Venkateshwara Bar and Restaurant on Nanjangud - Gundflupet Main Road at Begur and the resultant death of a minor boy, aged

about eight years on account of the injuries sustained in the said accident, are not in dispute. It is also not in dispute that, the accident occurred

purely on account of the rash and negligent driving by the driver of Maruthi Omni

bearing No.KL- 18/4946.

4. On account of the death of the deceased son, the claimants appellants, being the parents, filed the claim petition before the Tribunal seeking compensation of a sum of Rs. 05.00 lakhs against the respondents. The said claim petition had come up for consideration before the Tribunal on 27th June 2011. 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 global compensation of Rs. 2,25,000/- with interest at G% per annum from the date of petition till the date of payment. Being dissatisfied with the quantum of compensation awarded by the Tribunal, the appellants are in appeal before this Court, seeking enhancement of compensation.

5. I have heard learned counsel for appellants and learned counsel for insurance Company.

6. Learned counsel appearing for appellant submits that as per the decision of the Hon"ble Apex Court and this Court in hosts of judgments, the claimants are entitled to compensation of Rs. 3,75,000/-. Therefore, having regard to the peculiar facts and circumstances of the case, he submits that reasonable compensation may be awarded.

7. As against this, learned counsel appearing for insurer submitted that, the compensation awarded by Tribunal is after due appreciation of the oral and documentary evidence available on file and hence, interference in the same is not called for. However, after perusal of other judgments of the Apex Court and this Court, he fairly submitted that reasonable compensation may be awarded having regard to the facts and circumstances of the case.

8. After hearing the learned counsel for the parties, and after going through various judgments of the Apex Court and also this Court, I am of the view that, having regard to the peculiar facts and circumstances of the case, ends of justice would be met if global compensation of Rs. 2,50,000/- is awarded as against Rs. 2,25,000/- awarded by Tribunal.

9. In the light of the facts and circumstances of the case, as stated above, the appeal filed by appellants is allowed in part. The impugned judgment and award dated 27th June 2011, passed in MVC No. 149/2010, by the Presiding Officer, Fast Track Court, Kollegal, sitting at

Chamarajanagar, is hereby modified, awarding a sum of Rs. 25,000/-, with interest at 6% per annum, from the date of petition till the date of realization, in addition to the compensation awarded by Tribunal.

The Insurance Company is directed to deposit the enhanced compensation of Rs. 25,000/-, 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 second appellant, immediately.

Office to draw award, accordingly.

Shri.M.S. Sriram is permitted to file vakalath on behalf of respondent No.2, within three weeks from today.