

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA
ON THE 13th DAY OF DECEMBER 2012
BEFORE
THE HON'BLE MR. JUSTICE RAVI MALIMATH
MFA NO.3616/2006 (MV)

BETWEEN

SRI RAVI S/O ERANNA NULLE
AGED ABOUT 38 YEARS
OCC:CARPENTER
R/O UPALAM, TALUK BASAVAKALYAN

... APPELLANT

(BY SRI. S.S. MAMADAPUR, ADV.)

AND

1. SMT SHANAZ BEGUM
W/O LATE MOHAMMED FAROOQ
MAJOR OCC:TRANSPORT BUSINESS
NO 5-6-247/3, AGHAPURA, HYDERABAD
2. THE UNITED INDIA INSURANCE CO. LTD.,
BY IT'S DIVISIONAL MANAGER
NO 10-5-5,4 CRYSTAL PALACE
I AND II FLOOR, BANJARA HILLS ROAD
MASAB TALUK, HYDERABAD

... RESPONDENTS

(BY SRI: NAGARAJ PATIL FOR
SRI. MANVENDRA REDDY, ADVS.FOR R.2
R.1 DISPENSED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 17/12/05 PASSED IN MVC
NO.4/03 ON THE FILE OF THE CIVIL JUDGE (SR.DN) &

ADDL. MACT, BASAVKALYAN, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

At the request of both learned counsels, the matter is taken up for final disposal.

The present appeal has filed by the claimant seeking enhancement. The accident and the liability are admitted.

The deceased is said to be Kasturi who was a minor. A sum of Rs.1,20,500/- has been awarded by the Tribunal.

2. The learned counsel for the appellant relies on the judgment of Supreme Court in the case of *R.K.Malik & Another Vs. Kiran Pal & others*, reported in 2011 (4) KCCR 3093 and submits that a compensation of Rs.3,75,000/- is to be awarded for the death of minor. Based on the aforesaid judgment, it would be just and proper to grant the same amount in this case also. Under these

circumstances, the judgment of the Supreme Court is applicable to the case on hand. Hence, based on the aforesaid judgement, a sum of Rs.3,75,000/- is granted to the appellant.

In all the compensation is enhanced by a sum of Rs.2,54,500/-(Rs.3,75,000/- less Rs.1,20,500/-) which shall carry interest at the rate of 6% p.a. from the date of the Petition till the date of payment and shall be paid within a period of 4 weeks from the date of receipt of copy of this order.

Sd/-
JUDGE

sdu