

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT GULBARGA
DATED THIS THE 14TH DAY OF FEBRUARY 2013
BEFORE
THE HON'BLE MR. JUSTICE H.G.RAMESH
Miscellaneous First Appeal No.31369/2012 (MV)

BETWEEN:

DURGESH S/O YANKAPPA CHALUVADI
AGE: 24 YEARS
OCC: AGRICULTURE AND COOLIE
R/O MATTUR VILALGE
TQ. SINDHANUR
DIST: RAICHUR-584 101. ... APPELLANT

(BY SRI BASAVARAJ R. MATH, ADVOCATE)

AND:

1. AMARESH S/O KAREPPA KULKARNI NAIK
AGE: 29 YEARS
OCC: DRIVER OF TRACTOR AND TRAILER
NO.KA-36/TA-2762, KA-36/TA-5616
R/O MATTUR VILLAGE
TQ. SINDHANUR,
DIST: RAICHUR 584 101.
2. K. BASAVARAJ S/O KAREPPA
AGE: 36 YEARS
OCC: AGRICULTURE AND OWNER OF
TRACTOR NO.KA-36/TA-2762
R/O MATTUR VILLAGE
TQ. SINDHANUR
DIST: RAICHUR- 584 101
3. K. BASAVARAJ S/O LINGAPPA
AGE: 33 YEARS
OCC: OWNER OF
TRACTOR NO.KA-36/TA-5616
R/O KARKUNDA VILLAGE

TQ. SINDHANUR,
DIST: RAICHUR- 584 101.

4. THE MANAGER
UNITED INDIA INSURANCE CO. LTD.
BRANCH OFFICE, KUSTAGI ROAD
SINDHANUR
DIST: RAICHUR- 584 101. ... RESPONDENTS

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 12.08.2011 PASSED IN MVC NO.71/2009 ON THE FILE OF THE MOTOR ACCIDENTS CLAIMS TRIBUNAL LINGASUGUR SITTING AT SIDHANUR, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING FOR ENHANCEMENT OF COMPENSATION.

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

J U D G M E N T

H.G.RAMESH, J. (Oral):

There is a delay of more than six months (214 days) in filing the appeal. I have heard the learned counsel appearing for the appellant on the merits of the appeal. The Tribunal has discussed the case of the appellant at para 36 of the impugned judgment. As could be seen from the said para, the appellant had suffered fracture of a bone. It is stated that it is the right parietal bone. No doctor was examined in support of the claim. No medical bills were produced.

The Tribunal has assessed the compensation at Rs.50,000/-. On the evidence on record, in my opinion, there is no ground for enhancement of the compensation awarded by the Tribunal. Hence, no purpose would be served by ordering notice on I.A. No.2/2012 filed for condonation of the delay in filing the appeal. Accordingly, both I.A. No.2/2012 and the appeal stand dismissed.

Appeal dismissed.

**Sd/-
JUDGE**

BNS