

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 11th DAY OF AUGUST 2005

BEFORE

THE HON'BLE MR.JUSTICE K.SREEDHAR RAO

MISCELLANEOUS FIRST APPEAL NO.8760/2004

BETWEEN:

Ranganathaiah,
S/o late Chikkarangaiiah,
Aged about 62 yrs,
R/a No.828, Block A-15,
BDA II Stage,
Neelasandra,
Bangalore-47..

...APPELLANT

(By Sri N.Gopalakrishna, Advocate)

AND

1. United India Insurance Co.Ltd,
Shankaranarayana Building,
M.G.Road,
Bangalore 560 001.
Rep by its Manager.

2. M/s.Sai Sales Corporation,
No.5/211, Bangalore Road,
Bellary 583 101
Rep by its Managing Director. ...RESPONDENTS

(By Sri K.Suresh, Adv. for R.1)

This APPEAL filed under Section 173(1) of MV Act against the judgment and award dated 25.7.2003 passed in MVC No.3776/00 on the file of the VII Addl. Judge, Member, MACT-3, Court of Small Causes, Bangalore (SCCH 3) partly allowing with proportionate cost the claim petition for compensation and seeking enhancement of compensation.

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This APPEAL coming on for orders this day, the Court delivered the following:

JUDGMENT

The appeal is filed with a delay of 361 days. The petitioner has stated that he is a retired Government employee and on account of poverty conditions, he could not file the appeal in time. The petitioner ought to have availed the benefit of Legal Services Authority. Being a Government Employee, he would be receiving pension amount. Moreover the expenses of filing an appeal would be very marginal. The reasons stated are artificial. Accordingly, IA-I/04 is dismissed. Consequently, the appeal stands dismissed.

Sd/-
JUDGE

akc/-