

**IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD**

Dated this the 30th Day of November 2011

Before

THE HON'BLE MR.JUSTICE H.N.NAGAMOHAN DAS

M.F.A. No.21011/2009 (MV)

BETWEEN:

The New India Assurance Co. Ltd.,
Savitri Sadan, P.B.Road,
Dharwad,
By its Regional Office,
2-B, Unity Building Annexe,
P.Kalinga Rao Road(Mission road),
Bangalore-560 027.
Represented by tis
Regional Manager.

...Appellant

(By Sri.Ravi G. Sabhahit, Advocate)

A N D :

1. Smt. Gouramma
D/o Shankarappa Nagaral,
Age: 20, Occ: Household,
R/o Sattur, Taq: Dist: Dharwad.
2. Kumari Bhuvaneshwari
D/o Shankrappa Nagaral,
Age: 3 ½ , R/o Sattur,
Tq: Dist: Dharwad,
Resp. No.2 is a minor rep. by
The mother guardian resp.1



3. Smt. Laxmavva
D/o Basappa Nagaral,
Age: 47, Occ: Household,
R/o Sattur, Taq: Dist: Dharwad.
4. Anant Umesh Bhat,
Age: 37 years, Occ: Busioness,
R/o Avarasa, Taq: Ankola,
Dist: Karwar.

...Respondents

(By Shaila Bellikatti, Advocate for R1-R3)
R2-minor rep. by R1)

This appeal is filed under Section 173(1) of Motor Vehicles Act, 1988, against the judgment and award dated 20/12/2008, passed in MVC No.194/2007 on the file of the Civil Judge(Sr.Dn.) and MACT, Dharwad, awarding a compensation of Rs.7,00,000/- with interest @ 6% p.a. from the date of petition till the date of deposit.

This appeal coming on for admission this day, the Court delivered the following:

JUDGMENT

This appeal is directed against the judgment and award dated 20th December 2008 in MVC No.194/2007 passed by Civil Judge (Sr.Dn.),Dharwad.

2. The only grievance of the appellant is that Tribunal committed a mistake in taking monthly income



of the deceased at Rs.4,500/- p.m. The evidence on record discloses that deceased was having valid licence. Ex.P.7 is the driving licence of the deceased. In the circumstances, the income taken by the Tribunal at Rs.4,500/- p.m. cannot be said either arbitrary or on higher side. I find no justifiable ground to interfere with the same. Accordingly, the appeal is hereby dismissed.

The amount in deposit be transmitted to the Tribunal for disbursement.

Sd/-
JUDGE

R/-