

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

DATED THIS THE 29th DAY OF FEBRUARY, 2012

BEFORE

THE HON'BLE MR. JUSTICE L NARAYANA SWAMY

M.F.A No.20598/2010(MV)(ST)

BETWEEN:

Karnataka State Road
Transport Corporation
Represented by its
Chief Law Officer
Central Office,
Hubli.

... APPELLANT

(By Sri. Syed R.H., Adv.)

AND:

1. Parashuram S/o. Laxman Mane,
Age: 50 years, Occ: Agriculture,
R/o. Navalur Chavani Village,
Tq./Dist: Dharwar.
2. The Self Insurance Fund
KSRTC: Shantinagar,
Bangalore.
3. The Depot Manager,
II Depot, Hubli Division,
NWKRTC, Hubli

... RESPONDENTS

(Sri. M.V.Hiremath for R1
and V.S.Kalasurmath for R2, Adv.)

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MFA FILED U/S 173(1) OF MV ACT 1988 AGAINST THE JUDGMENT AND AWARD DATED 31.10.2009 PASSED IN MVC NO.133/2008, ON THE FILE OF THE I-ADDL. CIVIL JUDGE (SR.DN.) AND MEMBER MACT & CJM, DHARWAD, AWARDED THE COMPENSATION OF RS.57,000/- WITH INTEREST AT THE RATE OF 6% P.A. FROM THE DATE OF PETITION TILL THE DATE OF REALISATION.

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

ORDER

Appellant is the NWKRTC who preferred this appeal challenging the judgment and award dated 31-10-2009 passed by the I-Addl. Civil Judge (Sr. Dn.) and Member MACT & CJM, Dharwad in MVC No.133/2008 on the ground that quantum of compensation awarded on the death of jersy cow is on higher side.

2. Learned Counsel for the appellant contended that without there being any valuation tribunal has awarded a sum of Rs.35,000/- under the head of loss

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of jersy cow. A sum of Rs.20,000/- under the head loss of income due to sudden death of cow, mental torture and agony a sum of Rs.2,000/- under the head of transportation of animal. Thus, in all total compensation awarded at Rs. 57,000/- is on higher side.

3. Owner of the cow is respondent No.1, who has submitted that valuation of the cow has been made by the veterinary doctor. In view of sudden death of the cow, he has sustained loss of a sum of Rs.10,000/- and that was the only means for survival of the family. In view of the loss of cow, he suffered loss of a sum of Rs.30,000/- However, the tribunal has awarded only Rs.10,000/-

4. In the judgment and award of MACT, Dharwad, it is not in dispute that the cow was died by accident for which the appellant has been fixed the

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liability. On the basis of the valuation made by the veterinary doctor as per Ex.P6 which was valued at Rs.35,000/- and the compensation awarded on other heads are also very reasonable.

5. Though this matter was posted for production of two sets of appeal copies and covers to issue notice to respondent, I find, it is of no use. This Court while granting interim order on 06.10.2011 directed the appellant to deposit entire award amount within two weeks. But, no proof or acknowledgment has been produced in this regard.

5. In view of all these aspects, I find no ground to interfere in this matter. This appeal is dismissed.

Sma/-

Sd/ 
JUDGE