

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

DATED THIS THE 31ST DAY OF OCTOBER, 2012

BEFORE

THE HON'BLE MR.JUSTICE S.N.SATYANARAYANA

MISCELLANEOUS FIRST APPEAL NO.21024/2012 (MV)

BETWEEN:

Shri.Channabasappa,
S/o Yallappa Lagamannavar,
Aged 40 Years, Occ: Agriculturist
and Bajaj Allianz Life Insurance Agent,
Now nil, R/o Uppin Betageri,

TQ & DIST: DHARWAD. ... **APPELLANT.**

(By Sri.Hanamant R.Latur, Adv.)

AND:

1. Sri.Hazaratsab,
S/o Maktumsab Nadaf,
Age: 50 Years, Occ: Owner of the
Tractor Trailor,
R/o Kavalageri,

TQ & DIST: DHARWAD.

2. The Divisional Manager,
Universal Sompo
General Insurance Co. Ltd.,
C/o Karnataka Bank Ltd.,
Vijay Road,

DHARWAD.

... **RESPONDENTS.**

This appeal is filed under Section 173(1) of the Motor Vehicles Act, against the Judgment and Award dated 17.12.2011 passed in MVC.No.339/2010 on the file of the Presiding Officer, FTC-III, Dharwad, partly allowing the claim petition for compensation and seeking enhancement of compensation.

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

JUDGMENT

Claimant in MVC No.339/2010 on the file of MACT, Dharwad, has come up in this appeal seeking enhancement of compensation awarded therein.

2. It is stated that the claimant met with an accident on 11.02.2010 while riding his Hero Honda Motor Cycle bearing No.KA-25/EB-3949. The said accident has taken place due to rash and negligent driving of Tractor and Trailer bearing No.KA-25/T-8951-52. It is also stated that in the said accident, claimant has suffered fracture of 1st metacarpal bone, fracture of lunate, pisiform and trapezium. Considering the oral and documentary evidence available on record, the Tribunal proceeded to allow the Claim Petition by awarding compensation in a sum of Rs.89,000/-. Being aggrieved by

the same, the present appeal is filed contending that the Tribunal has not looked into the evidence of the doctor, who has opined that there is 45% disability to claimant.

3. On going through the judgment impugned and considering the nature of injuries, the Tribunal has rightly rejected the evidence of P.W.2, as he is not a treated doctor and only given evidence to support the case of the claimant before the Tribunal. In that view of the matter, the compensation awarded by the Tribunal is just and proper and the appeal does not merit admission.

4. Accordingly the same is dismissed.

**SD/-
JUDGE**

AGV.