

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

MFA NO.24055/2011 (MV)

BETWEEN:

Basanagouda, S/o Shankargoud Sanagouder,
Age: 33 years, Occ: Agriculture.
R/o Aladakatti,Tq: Saundatti,
Dist: Belgaum. ...APPELLANT

(By Sri H. M. Dharigond, Adv.)

AND:

1. Ajjappa, S/o Fakirappa Sogalad,
Age: Major. Occ: Business.
R/o Aladakatti, Tq: Saundatti,
Dist: Belgaum.
2. Subhas S. Chilamur,
Age: Major, Occ: Business.
R/o Jeevapur, Tq: Saundatti,
Dist: Belgaum.
3. The Divisional Manager,
National Insurance Co. Ltd.
Divisional Office,
Belgaum Division,
Ramdev Galli,
Belgaum, Dist: Belgaum. ...RESPONDENTS

This MFA is filed under Section 173 (1) OF M.V. Act, praying to set aside the Judgment and Award dated 21.5.2010 passed in MVC.2266/2006 on the file of the Additional MACT, Saundatti, and etc.

This MFA coming on for Orders, this day, the Court delivered the following:

JUDGMENT

The claimant in MVC.2266/06 on the file of the MACT, Saundatti, has come up in this appeal seeking enhancement of compensation.

2. This appeal is filed with the delay of 331 days. Hence, an application in I.A.1/11 seeking condonation of the said delay is filed.

3. Heard the learned Counsel for the appellant and perused the affidavit filed in support thereof.

4. On going through the same, it is seen that except stating the date on which the judgment and award was passed, the date on which the application for certified copy was applied and the date on which it was secured, nothing else is mentioned regarding the inordinate delay in

filing the appeal. Since the delay is not properly explained, this Court feels that there is no ground for allowing the said application seeking condonation of delay.

5. However, before disposing of this application, the impugned judgment was also looked into. On going through the same, it is seen that for minor injuries, the Court below has awarded compensation in a sum of Rs.36,000/- which in the facts and circumstances of the case appears to be just and reasonable. In that view of the matter, even if notice is ordered on the delay application no purpose will be served, in as much as, there is no scope to consider enhancement of compensation. In that view of the matter, I.A.1/2011 filed seeking condonation of delay of 331 days in filing the appeal is dismissed.

Consequently, the appeal also stands dismissed.

SD/-
JUDGE

Sub/-