

**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.24114/2009 (MV/ST)

BETWEEN:

Sri. Moula Sab B.,
S/o. Mastan Sab,
Age : 36 years, Occ: Coolie,
R/o. Bailuvaddigere
Tq: Hospet, Dist: Bellary.

... APPELLANT

(By Sri. Hanumanthareddy Sahukar, Adv.)

AND:

1. Sri. Kallinatha S/o. Basavaraj
Age: 25 years, Occ: Driver,
R/o. Kattigi Village, Tq: Jagalur,
Dist : Davangere,
2. Sri. R. Siddaramappa S/o. Siddabasappa,
Age: major, Occ: owner of Lorry bearing
Reg. No. KA-35/7518 R/o. 35th Ward,
Sandur Road, Hospet. (door No.499, 5th Cross
K.B. extension, Davangere)
3. The Divisional Manager,
Oriental insurance Company Limited
Davangere.

... RESPONDENTS

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(Sri N.R. Kuppelur for R3, Adv.
R1 and R2 not dispensed)

MFA FILED U/S. 173 OF THE M.V.ACT, 1988 AGAINST THE JUDGMENT AND AWARD DTD. 16.08.2008, PASSED IN MVC NO. 940/2007, ON THE FILE OF THE PRL. CIVIL JUDGE (SR.DN.) & JMFC., HOSPET PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

JUDGMENT

Sri. N.R.Kuppelur, learned Counsel is directed to take notice for respondent No.3. With consent, matter is taken up for final disposal.

2. The appeal is filed by the claimant for enhancement of compensation against the judgment and award passed in MVC NO.940/2007 dated 16.08.2008 on the file of the Prl. Civil Judge(Sr.Dn.) & JMFC, Hospet.

3. On the basis of evidence of PW3 and Ex.P73, tribunal has awarded compensation of Rs.2,000/-. Learned Counsel for the appellant submitted that, on the basis of injury suitable

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compensation for pain and suffering should have been awarded and tribunal has not awarded any compensation under other heads. Hence, this appeal for enhancement of compensation is filed.

4. Learned Counsel for the Insurance Company submitted that in the absence of proper materials, what is awarded is reasonable.

5. Heard learned Counsel for both the parties.

6. By looking at the evidence of PW3 and Ex.P73 additional global compensation of Rs.10,000/- is awarded.

7. Accordingly, the appeal is allowed in part.

Sd/-
JUDGE

Sma/-