

IN THE HIGH COURT OF KARNATAKA  
DHARWAD BENCH

DATED THIS THE 30<sup>TH</sup> DAY OF AUGUST 2013

BEFORE

THE HON'BLE MR.JUSTICE K.L.MANJUNATH

**Miscellaneous First Appeal No.22374/2010 (MV)**

BETWEEN:

Shri Raju S/o.Tatoba Mane  
Age: 32 years, Occ: Service and  
Agriculture,  
R/o. Diggewadi, Tq: Raibag,  
Dist: Belgaum.

...Appellant

(By Sri Sachin B. Patil, Advocate (Absent.)

A N D:

1. Sri Sunil Nanasaheb Soundalagi  
Age: Major, Occ: Business,  
R/o. Mayakka Chinchali,  
Tq: Raibag, Dist: Belgaum.
2. The Divisional Manager,  
The Oriental Insurance

Company Ltd.,  
Club Road, Belgaum.

...Respondents

(By Sri N.R.Kuppelur and Sri S.S.Koliwad, Advocates,  
for R.2,  
R.1 – Served.)

This Miscellaneous First Appeal is filed under Section 173(1) of the M.V.Act, against the judgment and award dated 16.10.2009, passed in MVC No.903/2008, on the file of the Presiding Officer, Fast Track Court-IV and Member, MACT, Belgaum, partly allowing the petition for compensation and seeking enhancement of compensation, etc.,.

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

### **JUDGMENT**

Claimant has filed this appeal being not satisfied with the compensation awarded by the Fast Track Court-IV and MACT, Belgaum, in MVC No.903/2008, dated 16.10.2009.

2. On account of the injuries sustained by the appellant, in a road traffic accident occurred on 18.6.2007, at about 21.15 hours, the claim petition was lodged.

3. According to the claimant, he sustained injuries. Immediately after the accident he was shifted to Ashirwad Hospital, Ankali. He was there as inpatient for 2 days and thereafter he has taken treatment at Miraj and spent Rs.25,000/- towards medical expenses. Except the wound certificate the claimant has not placed any material. The Tribunal considering the wound certificate noticed that the claimant has sustained 5 simple injuries. Therefore it awarded a compensation of Rs.5,000/-. Being not satisfied with the same, the present appeal is filed.

4. On perusal of the judgment and award of the Tribunal, this Court does not see any reason to enhance the compensation because the appellant/claimant has sustained only five simple injuries and no documents are produced to show that he was admitted as inpatient either at Ashirwad Hospital at Ankali or in any other hospital. Viewed from any angle, this Court does not see any reason to enhance

the compensation. Accordingly, the appeal is dismissed.

**Sd/-  
JUDGE**

Mrk/-