

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 28TH DAY OF MARCH 2013
BEFORE

THE HON'BLE MR.JUSTICE B.SREENIVASE GOWDA
MFA No.25791/2011 (MV)

BETWEEN:

SMT.GEETA BOMMAYYA NAYAKA,
W/O BEERANNA NAYAK,
AGE: 43 YEARS, OCC: LECTURER IN
DIVAKAR COLLEGE OF COMMERCE OF BASGOD,
TQ.ANKOLA.

...APPELLANT

(BY SRI.RAVI V.HOSAMANI, ADV)

AND:

1. THE PROPRIETOR,
M/S MEGHARAJ TRANSPORT,
MAIN ROAD, GAJENDRAGAD,
TQ. RON, DIST; GADAG.
2. THE DIVISIONAL MANAGER,
ORIENTAL INSURANCE CO.LTD.,
ENKAY COMPLEX, NO.1, 2ND FLOOR,
KESHVAPUR, HUBLI-580023.
3. THE MANAGING PARTNER,
SAI LAXMI TRAVELS,
SAI KUTIR, NEAR SHANTA DURGA TEMPLE,
ANKOLA.
4. THE DIVISIONAL MANAGER,
UNITED INDIA INSURANCE CO. LTD.,
RADHA GOVIND COMPLEX, 1ST FLOOR,
KAIKINI ROAD, KARWAR.

...RESPONDENTS

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988 AGAINST THE JUDGMENT AND AWARD DATED 23.06.2007 PASSED IN MVC NO.216/2006 ON THE FILE OF THE MEMBER I ADDL. MACT, KARWAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

JUDGMENT

Appeal by the claimant seeking enhancement of compensation awarded by the Tribunal.

2. Along with the appeal an application under Section 5 of the Limitation Act is filed seeking to condone the delay of 1539 days in filing the appeal.

3. The Tribunal by impugned judgment and award dated 23.06.2007 has awarded compensation of Rs.15,000/- with interest at 7% p.a. for simple injuries sustained by the claimant in a road traffic accident occurred on 09.06.2006. The claimant secured the certified copy of the judgment and award on 13.11.2007

and presented this appeal on 08.12.2011 i.e., four years after securing the certified copy of the judgment and award and there is a delay of 1539 days in filing the appeal. The reasons stated in the affidavit filed in support of the application, neither genuine nor satisfactory and there is absolutely no valid reason for condoning inordinate delay. Therefore, the appeal is liable to be dismissed on the ground of delay itself.

4. Even on merit, for the simple injuries sustained by the claimant in a road traffic accident occurred on 09.06.2006, the compensation of Rs.15,000/- with interest at 7% p.a. awarded by the Tribunal in 2007 is just and reasonable and there is no scope for enhancement.

Accordingly, the appeal is dismissed both on the ground of delay as well as on merit.

**Sd/-
JUDGE**

MBS/-