

IN THE HIGH COURT OF KARNATAKA

GULBARGA BENCH

DATED THIS THE 30th DAY OF SEPTEMBER, 2013

BEFORE

THE HON'BLE MRS.JUSTICE B.S.INDRAKALA

MFA No.31203 OF 2010 (MV) C/W

MFA Nos.31186/2010, 31187/2010, 31188/2010,

31189/2010, 31190/2010, 31191/2010, 31192/2010,

31193/2010, 31194/2010, 31195/2010, 31196/2010,

31197/2010, 31198/2010, 31199/2010, 31200/2010,

31201/2010, 31202/2010, 31204/2010, 31205/2010,

31206/2010, 31208/2010, 31209/2010,

MFA CROB Nos.1033/2010, 1034/2010, 1035/2010,

1037/2010, 1036/2010, 1038/2010, 1039/2010, 1040/2010,

1041/2010, 1042/2010, 1043/2010, 1044/2010, 1045/2010,

1046/2010, 1047/2010, 1048/2010, 1049/2010, 1050/2010,

1051/2010, 1052/2010, 1053/2010, 1054/2010, 1055/2010,

MFA Nos.30413/2011, 30414/2011, 30425/2011,

30426/2011, 30427/2011, 30428/2011, 30429/2011,

30430/2011, 30431/2011, 30432/2011, 30438/2011,

30439/2011, 30440/2011, 30450/2011, 30451/2011,

30452/2011, 30453/2011, 30454/2011, 30455/2011,

30456/2011, 30457/2011, 30458/2011, 30459/2011,

30460/2011, 30461/2011 & 30465/2011

IN MFA No.31203/2010

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI
AGE: 63 YEARS,
OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGE : 58 YEARS,
OCC: HOUSE HOLD WORK
3. CHANDRAPPA S/O BASANNA NAVALI
AGE: 18 YEARS,
ALL R/O : RAYANAPALE
NOW AT NAGARBETTA
TQ: MUDDEBIHAL
DIST: BIJAPUR.
4. BALARAM RAM BARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O : RAMAPUR TQ: ATTARA
DIST: DEORIA UTTAR PRADESH
5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI
6. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER

HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.

7. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.84/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31186 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASAMMA W/O TIPPANNA
KAMANATAGI,
AGE: 32 YEARS,
OCC: HOUSEHOLD WORK
2. HALAVAPPA S/O ADAPPA KAMANATAGI,
AGE: 58 YEARS, OCC: NIL,
3. HALAVAPPA S/O ADAPPA KAMANATAGI,
AGE: 53 YEARS,
OCC: HOUSEHOLD WORK,

ALL ARE R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI
6. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
7. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

8. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR
 OCC: BUSINESS
 R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.66/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.399000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31187 OF 2010 (MV)

BETWEEN:

DIVISIONAL MANAGER
 THE UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. KOTALAPPA S/O BHIMANNA GOUDA MALIPATIL
 AGE: 20 YEARS,
2. NINGAMMA W/O BHIMANNA GOUDA MALIPATIL
 AGE: 18 YEARS,
3. HANAMAVVA D/O BHIMANNA GOUDA MALIPATIL

- AGE: 16 YEARS,
4. SOMAVVA D/O BHIMANNA GOUDA MALIPATIL
AGE: 14 YEARS, MINOR,
5. HANAMAVVA D/O BHIMANA GOUDA MALIPATIL
AGE: 16 YEARS, MINOR,
- ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL
DIST: BIJAPUR.
6. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
7. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
8. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
9. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.
10. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR
OCC: BUSINESS

R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.67/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENASTION ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31188 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
 THE UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. DEVAMMA W/O HANMANTARAYA PUJAR
 AGE: 38 YEARS,
 OCC: HOUSEHOLD WORK
2. SAMPAWWA W/O MALAPPA PUJAR,
 AGE: 73 YEARS, OCC: AGRICULTURE

BOT H ALL ARE R/O RAYANAPALE,
 NOW AT NAGARBETTA

TQ . MUDDEBIHAL
DIST: BIJAPUR.

3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR
OCC: BUSINESS
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC
NO.68/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL

PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENASTION ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31189 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. RAYAPPA S/O DURGAPPA GUJJALAR,
AGE: 73 YEARS,
OCC: NIL

2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 58 YEARS,
OCC: NIL

BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL
DIST: BIJAPUR.

3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS

R/O AMLI SILVASSA DADAR & NAGAR HAVELI

5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.69/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENASTION ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31190 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. RAYAPPA S/O DURGAPPA GUJJALAR,
AGE: 73 YEARS,
OCC: NIL
2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 58 YEARS,
OCC: NIL

BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL, DIST: BIJAPUR.

3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
9. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.71/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENASTION ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31191 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. RAYAPPA S/O DURGAPPA GUJJALAR,
AGE: 73 YEARS, OCC: NIL
2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 58 YEARS, OCC: NIL

BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL, DIST: BIJAPUR.

3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.72/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.418000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31192 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. RAYAPPA S/O DURGAPPA GUJJALAR,
AGE: 73 YEARS,
OCC: NIL
 2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 58 YEARS,
OCC: NIL
- BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL
DIST: BIJAPUR.
3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
 4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
 5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
 6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
 7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR

OCC: BUSINESS
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.73/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.442000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31193 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. HANMANTARAYA S/O BAILAPPA
GOPALE, AGE: 38 YEARS,
OCC: AGRICULTURE COOLIE

2. CHANDAMMA W/O HANMANTA
RAYA GOPALE,
AGE: 33 YEARS,
OCC: AGRICULUTURE COOLIE
BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA

TQ . MUDDEBIHAL
DIST: BIJAPUR.

3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.73/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31194 OF 2010 (MV)**BETWEEN**

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD,
BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. DEVAKAVVA CHANDAPPA BILLAR
AGE: 63 YEARS,
OCC: HOUSEHOLD WORK
2. RENUKA D/O SHIVAPPA BILLAR
AGE: 20 YEARS,
OCC: HOUSEHOLD WORK,

BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL
DIST: BIJAPUR.
3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING

AKKAMAHADEVI ROAD, BIJAPUR.

6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.75/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.418000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31195 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. DEVAKAVVA CHANDAPPA BILLAR
AGE: 63 YEARS,
OCC: HOUSEHOLD WORK

2. RENUKA D/O SHIVAPPA BILLAR
AGE: 20 YEARS,
OCC: HOUSEHOLD WORK,

BOTH ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL, DIST: BIJAPUR.
3. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
5. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC

NO.76/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL
PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION
AND AWARDING SUM OF RS.346000/- ALONG WITH INTEREST
@ 6% P.A.

IN M.F.A. NO. 31196 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. KOTALAPPA S/O BHIMANNA GOUDA MALIPATIL,
AGE: 20 YEARS,
2. NINGAMMA W/O BHIMANNA GOUDA MALIPATIL,
AGE: 18 YEARS,
3. HANAMAVVA D/O BHIMANNA GOUDA MALIPATIL
AGE: 16 YEARS, MINOR
4. SOMAVVA D/O BHIMANNA GOUDA MALIPATIL,
AGE: 14 YEARS, MINOR
5. HANAMAVVA D/O BHIMANNA GOUDA MALIPATIL
AGE: 16 YEARS, MINOR

ALL ARE R/O RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL
DIST: BIJAPUR.
6. BALARAM RAMBARAM MOURYA

AGE: MAJOR, OCC: DRIVER
 R/O RAMAPUR TQ. ATTARA,
 DIST: DEORIA, UTTAR PRADESH.

7. LAXMIKANTH L MISHRA
 AGE: MAJOR OCC: BUSINESS
 R/O AMLI SILVASSA DADAR & NAGAR HAVELI
8. NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BRANCH MANAGER
 HANUMASHETTY BUILDING
 AKKAMAHADEVI ROAD
 BIJAPUR.
9. MOHAMMAD @ MOHAMMAD ALLBAKASH
 S/O RAJESAB KASAB
 AGE: MAJOR OCC: DRIVER
 R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.
10. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR, OCC: BUSINESS
 R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.77/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.393000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31197 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. DEVAPPA S/O DYAMANA GOUDA MALIPATIL,
AGE: 36 YEARS,
OCC: COOLIE
R/O RAYANAPALE
DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL

DIST: BIJAPUR.

6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.78/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.262000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31198 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASAMMA W/O TIPPANNA
KAMANATTAGI AGE: 38 YEARS
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA

AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.79/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31199 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER

THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASAMMA W/O TIPPANNA
KAMANATTAGI AGE: 38 YEARS
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.80/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31200 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASAMMA W/O TIPPANNA
KAMANATTAGI AGE: 38 YEARS
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA

AGE: MAJOR, OCC: DRIVER
 R/O RAMAPUR TQ. ATTARA,
 DIST: DEORIA, UTTAR PRADESH.

3. LAXMIKANTH L MISHRA
 AGE: MAJOR OCC: BUSINESS
 R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BRANCH MANAGER
 HANUMASHETTY BUILDING
 AKKAMAHADEVI ROAD, BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
 S/O RAJESAB KASAB
 AGE: MAJOR OCC: DRIVER
 R/O : NALATWAD, TQ: MUDDEBIHAL
 DIST: BIJAPUR.
6. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR, OCC: BUSINESS
 R/O : NALATWAD, TQ: MUDDEBIHAL
 DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.81/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENSATION ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31201 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER

THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASANNA S/O IRAPANNA
DONAGERI, AGE: 38 YEARS
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL

DIST: BIJAPUR.
... RESPONDENTS
(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.82/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31202 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI
AGE: 63 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGE: 58 YEARS,
OCC: HOUSEHOLD WORK
3. CHANDRAPPA S/O BASANNA NAVALI,
AGE: 18 YEARS,

ALL ARE R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL, DIST: BIJAPUR.

4. BALARAM RAMBARAM MOURYA

AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
6. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
7. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.83/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.150000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31204 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD,

BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI
AGE: 63 YEARS,
OCC: NIL,
2. YAMANAWWA W/O BHIMANNA NAVALI,
AGE: 58 YEARS,
OCC: HOUSEHOLD WORK
3. CHANDRAPPA S/O BASANNA NAVALI
AGE: 18 YEARS

ALL R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL, DIST: BIJAPUR.
4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
6. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
7. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER

R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

8. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR
OCC: BUSINESS
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.85/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.394000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31205 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI,
AGE: 63 YEARS,
OC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI,

- AGE: 58 YEARS,
OCC: HOUSEHOLD WORK,
3. CHANDRAPPA S/O BASANNA NAVALI
AGE: 18 YEARS,

ALL R/O RAYANAPALE
NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.
4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
6. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD
BIJAPUR.
7. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD
TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.86/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.442000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31206 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. MALLANNA ADAVAPPAGOUDA
MALIPATIL, AGE: 26 YEARS,
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE, NOW AT NAGARGETTA
TQ. MUDDEBIHAL, DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING

AKKAMAHADEVI ROAD, BIJAPUR.

5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.106/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.31000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31208 OF 2010 (MV)

BETWEEN

DIVISIONAL MANAGER
THE UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. BASAVARAJ S/O VEERAPANNA DONAGERI
AGE: 36 YEARS,
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE

NOW AT NAGARGETTA
TQ. MUDDEBIHAL
DIST: BIJAPUR.

2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
THROUGH BRANCH MANAGER
HANUMASHETTY BUILDING
AKKAMAHADEVI ROAD, BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.108/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.47000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 31209 OF 2010 (MV)**BETWEEN**

DIVISIONAL MANAGER
 THE UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR.

... APPELLANT

(BY SRI : MANVENDRA REDDY, ADV.,)

AND

1. MURAHARI @ MURARI
 S/O NARAYAN PAWAR
 AGE: 26 YEARS,
 OCC: AGRICULTURE COOLIE
 R/O RAJANKOLUR T ANDA
 TQ. SURAPUR
 DIST. YADGIR
2. BALARAM RAMBARAM MOURYA
 AGE: MAJOR, OCC: DRIVER
 R/O RAMAPUR TQ. ATTARA,
 DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
 AGE: MAJOR OCC: BUSINESS
 R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BRANCH MANAGER
 HANUMASHETTY BUILDING
 AKKAMAHADEVI ROAD
 BIJAPUR.
5. MOHAMMAD @ MOHAMMAD ALLBAKASH
 S/O RAJESAB KASAB
 AGE: MAJOR OCC: DRIVER

R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.

6. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR, OCC: BUSINESS
 R/O : NALATWAD, TQ: MUDDEBIHAL
 DIST: BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV.)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.109/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENSATION ALONG WITH INTEREST @ 6% P.A.

IN MFA.CROB.No.1033/2010

BETWEEN:

1. BASAMMA
 W/O TIPPANNA KAMANATAGI
 AGE : 32 YEARS, OCC: H.H.WORK
2. HALAVAPPA
 S/O ADAOOA JANABATAGI
 AGE: 58 YEARS, OCC: NIL
3. AMARAVVA W/O HALAVAPPA KAMANATAGI
 AGE: 53 YEARS, OCC: H.H.WORK

ALL ARE R/O RAYANAPALE
 NOW AT NAGARBETTA
 TQ. MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O : RAMPUR, TQ: ATTARRA
DIST: DEORIA UTTAR PRADESH
2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O : AMLI SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF
CPC PRAYING TO ALLOW THIS APPEAL AND AWARD
COMPENSATION OF Rs.3,99,000/- (EXCLUDING THE AMOUNT

AWARDED BY THE TRIBUNAL) ALONG WITH INTEREST @ 6% P.A. BY MODIFYING THE JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER, MACT NO.VIII, MUDDEBIHAL IN MVC No.66/2002 DATED 25.02.2010 IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1034/2010

BETWEEN

1. HANMANTARAYA S/O BAILAPPA GOPALE
AGE: 38 YEARS, OCC: AGRICULTURE COOLIE
 2. CHANDAMMA W/O HANMANTARAYA GOPALE
AGE: 33 YEARS, OCC: AGRICULTURE COOLIE

BOTH R/O RAYANAPALE
NOW AT NAGARABETTA
MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O : RAMPUR, TQ: ATTARRA
DIST: DEORIA UTTAR PRADESH
 2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O : AMLI SILVASSA
DADAR & NAGAR HAVELI
 3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD

TQ: MUDDEBIHAL, DIST. BIJAPUR

5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF
Rs.8,50,000/- (EXCLUDING THE AMOUNT AWARDED BY THE
TRIBUNAL) ALONG WITH INTEREST @ 12% P.A. BY MODIFYING THE
JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER,
MACT NO.VIII, MUDDEBIHAL IN MVC No.74/2002 DATED 25.02.2010
IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1035/2010

BETWEEN

1. RAYAPPA S/O DURGAPPA GUJJALAR
AGE: 73 YEARS, OCC: NIL
2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 50 YEARS, OCC: NIL

BOTH R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL ... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER

R/O : RAMPUR TQ: ATTARRA
DIST: DEORIA UTTAR PRADESH

2. LAXMIKANTH L. MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA
DADAR & NAGAR HAVELI
 3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
 5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
 6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF Rs.5,08,000/- (EXCLUDING THE AMOUNT AWARDED BY THE TRIBUNAL) ALONG WITH INTEREST @ 12% P.A. BY MODIFYING THE JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER, MACT NO.VIII, MUDDEBIHAL IN MVC No.73/2002 DATED 25.02.2010 IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1036/2010

BETWEEN

1. RAYAPPA S/O DURGAPPA GUJJALAR
AGE: 73 YEARS, OCC: NIL
2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 50 YEARS, OCC: NIL

BOTH R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL ... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O : RAMPUR TQ: ATTARRA
DIST: DEORIA UTTAR PRADESH
2. LAXMIKANTH L. MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL
DIST. BIJAPUR
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR

6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF
Rs.5,32,000/- (EXCLUDING THE AMOUNT AWARDED BY THE
TRIBUNAL) ALONG WITH INTEREST @ 12% P.A. BY MODIFYING THE
JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER,
MACT NO.VIII, MUDDEBIHAL IN MVC No.72/2002 DATED 25.02.2010
IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1037/2010

BETWEEN

1. RAYAPPA S/O DURGAPPA GUJJALAR
AGE: 73 YEARS, OCC: NIL
2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 50 YEARS, OCC: NIL

BOTH R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL ... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O : RAMPUR TQ: ATTARRA
DIST: DEORIA UTTAR PRADESH
2. LAXMIKANTH L. MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA

DADAR & NAGAR HAVELI

3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
 5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
 6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR
- ... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF
Rs.8,00,000/- (EXCLUDING THE AMOUNT AWARDED BY THE
TRIBUNAL) ALONG WITH INTEREST @ 12% P.A. BY MODIFYING THE
JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER,
MACT NO.VIII, MUDDEBIHAL IN MVC No.71/2002 DATED 25.02.2010
IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1038/2010

BETWEEN

1. RAYAPPA S/O DURGAPPA GUJJALAR
AGE: 73 YEARS, OCC: NIL

2. SOMAWWA W/O RAYAPPA GUJJALAR
AGE: 58 YEARS, OCC: NIL

BOTH R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC PRAYING TO ALLOW THIS APPEAL AND AWARD COMPENSATION OF Rs.5,80,000/- (EXCLUDING THE AMOUNT AWARDED BY THE TRIBUNAL) ALONG WITH INTEREST @ 12% P.A. BY MODIFYING THE JUDGMENT AND AWARD OF THE CIVIL JUDGE (SR. DN.) MEMBER, MACT NO.VIII, MUDDEBIHAL IN MVC No.69/2002 DATED 25.02.2010 IN THE INTEREST OF JUSTICE AND EQUITY.

IN MFA.CROB.No.1039/2010

BETWEEN

1. NINGAMMA
D/O BHIMANAGOUDA MALIPATIL
AGE: 17 YEARS, OCC: NIL
2. HANAMAVVA
D/O BHIMANAGOUDA MALIPATIL
AGE: 16 YEARS, OCC: NIL
3. SOMAVVA
D/O BHIMANAGOUDA MALIPATIL
AGE: 14 YEARS, OCC: NIL
4. BASANAGOUDA
S/O DESAIGOUDA MALIPATIL
AGE: MAJOR, OCC: AGRICULTURE COOLIE

CROSS OBJECTORS No.1 & 3 ARE MINORS
REPRESENTED BY THE CROSS OBJECTOR No.4
ALL R/O RAYANAPALE, NOW AT NAGARABETT
TQ. MUDDEBIHAL ... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH

2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI SILVASSA
DADAR & NAGAR HAVELI
 3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
 5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
 6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED 25.02.2010 PASSED IN
MVC No.67/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL No.VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM
PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA.CROB.No.1040/2010

BETWEEN

1. DEVAMMA
W/O HANAMANTHARAYA PUJAR

AGE: 38 YEARS, OCC: H.H.WORK

2. SAMPAWWA W/O MALAPPA PUJAR
AGE: 73 YEARS, OCC: AGRICULTURE

BOTH R/O RAYANAPALE
NOW AT NAGARABETT
TQ. MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;

SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.02.2010 PASSED IN MVC No.68/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL No.VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

MFA CROB NO.1041/2010 (MV)

BETWEEN :

1. DEVEKAVVA CHANDAPPA BILLAR
AGE: 63 YEARS, OCC: H.H.WORK
2. RENUKA D/O SHIVAPPA BILLAR
AGE: 20 YEARS, OCC: H.H.WORK

BOTH R/O RAYANAPALE
NOW AT NAGARBETT, TQ.MUDDEBIHAL

...CROSS OBJECTORS

(BY SRI.HARSHAVARDHAN R. MALIPATIL, ADV.,)

AND:

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ.ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANT L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI-SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSAURANCE CO., LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB

AGE: MAJOR, OCC: DRIVER
 R/O NALATWAD, TQ.MUDDEBIHAL
 DIST. BIJAPUR

5. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR, OCC: BUSINESS
 R/O NALATWAD, TQ.MUDDEBIHAL
 DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.,
 S.S.FRONT ROAD, BIJAPUR ...RESPONDENTS

(BY SRI. SUDARSHAN M. ADV FOR R3
 SRI.SHIVAYOGIMATH ASSTS FOR R5
 SRI.MANVENDRA REDDY ADV FOR R6
 R1, R2 & R4 ARE DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
 IN MFA 31195/2010 AGAINST THE JUDGMENT AND AWARD
 DT:25.2.2010 IN MVC NO.76/2002 ON THE FILE OF THE MOTOR
 ACCIDENT CLAIMS TRIBUNAL NO.VIII MUDDEBIHAL, PARTLY
 ALLOWING THE CLAIM PETITION AND SEEKING ENHANCMENT OF
 COMPENSATION.

MFA CROB NO.1042/2010 (MV)

BETWEEN :

1. NINGAMMA D/O BHIMANGOUDA MALIPATIL
 AGE: 17 YEARS, OCC: COOLIE
2. HANAMAWWA D/O BHIMANGOUDA MALIPATIL
 AGE: 16 YEARS, OCC: NIL
3. SOMAWWA D/O BHIMANAGOUDA MALIPATIL
 AGE: 14 YEARS, OCC: NIL
4. BASANAGOUDA S/O DESAIGOUDA MALIPATIL
 AGE: MAJOR, OCC: AGRICULTURE COOLIE
 APPELLANTS NO.1 & 3 ARE MINORS
 THEY ARE REPRESENTED BY
 THE PETITIONER NO.4

ALL R/O RAYANAPALE
NOW AT NAGARBETT, TQ.MUDDEBIHAL

...CROSS OBJECTORS

(BY SRI.HARSHAVARDHAN R. MALIPATIL, ADV.,)

AND:

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ.ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANT L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI-SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO., LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD, TQ. MUDDEBIHAL
DIST.BIJAPUR
5. MEHABOOBS/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ. MUDDEBIHAL
DIST. BIJAPUR
6. UNITED INDIA INSURANCE CO., LTD.,
S.S.FRONT ROAD, BIJAPUR
7. KOTALAPPA S/O BHIMANAGOUDA MALIPATIL
AGE: 20 YEARS, OCC: COOLIE
R/O RAYANAPALE, TQ.MUDDEBIHAL
DIST. BIJAPUR

...RESPONDENTS

(BY SRI. SUDARSHAN M. ADV. FOR R3;
SRI.SHIVAYOGIMATH ASSTS FOR R5;
SRI.MANVENDRA REDDY ADV FOR R6;
R1, R2 & R4 ARE DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DT:25.2.2010 IN MVC NO.77/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

MFA CROB NO.1043/2010 (MV)

BETWEEN :

DEVAPPA S/O DYAMANNAGOUDA MALIPATIL
AGE: 35 YEARS, OCC:COOLIE
R/O RAYANAPALE, TQ. SHORAPUR

...CROSS OBJECTOR

(BY SRI.HARSHAVARDHAN R. MALIPATIL, ADV.,)

AND:

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ.ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANT L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI-SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO., LTD.,
THROUGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD, TQ. MUDDEBIHAL
DIST.BIJAPUR
5. MEHABOOBS/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ. MUDDEBIHAL
DIST. BIJAPUR

6. UNITED INDIA INSURANCE CO., LTD.,
S.S.FRONT ROAD, BIJAPUR ...RESPONDENTS

(BY SRI. SUDARSHAN M. ADV FOR R3
SRI.SHIVAYOGIMATH ASSTS FOR R5
SRI.MANVENDRA REDDY ADV FOR R6
R1, R2 & R4 ARE DISPENSED WITH)

THIS MFA CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
INMFA NO.31197/2010 AGAINST THE JUDGMENT AND AWARD
DT:25.2.2010 IN MVC NO.78/2002 ON THE FILE OF THE MOTOR
ACCIDENT CLAIMS TRIBUNAL NO.VII MUDDEBIHAL, PARTLY
ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF
COMPENSATION.

IN MFA.CROB.No.1044/2010

BETWEEN

BASAMMA
W/O TIPPANNA KAMANATTAGI
AGE: 38 YEARS, OCC: HOUSEHOLD
R/O RAYANAPALE, TQ. SHORAPUR
NOW RESIDING AT NAGARBETT
TQ. MUDDEBIHAL ... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH
 2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI SILVASSA
DADAR & NAGAR HAVELI

3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
 5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
 6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.02.2010 PASSED IN MVC No.79/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL No.VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF Rs.1,50,000/- WITH INTEREST AT 6% P.A.

IN MFA.CROB.No.1045/2010

BETWEEN

BASAMMA
W/O TIPPANNA KAMANATTAGI
AGE: 38 YEARS, OCC: HOUSEHOLD
R/O RAYANAPALE, TQ. SHORAPUR
NOW RESIDING AT NAGARBETT
TQ. MUDDEBIHAL

... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH
 2. LAXMIKANTH L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI SILVASSA
DADAR & NAGAR HAVELI
 3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH
 4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGE: MAJOR, OCC: DRIVER
R/O NALATWAD
TQ: MUDDEBIHAL, DIST. BIJAPUR
 5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O NALATWAD, TQ: MUDDEBIHAL
DIST. BIJAPUR
 6. UNITED INDIA INSURANCE CO., LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DATED 30.09.2013 NOTICE TO R1, R2 & R4
ARE DISPENSED WITH;
SRI SUDARSHAN M., ADVOCATE FOR R3;
SRI SHIVAYOGIMATH ASSTS. ADVOCATE FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS MFA.CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.02.2010 PASSED IN MVC No.80/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL No.VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.FA.CROB.NO.1046/2010

BETWEEN

BASANNA S/O IRAPANNA DONAGERI,
 AGE: 38 YEARS, OCC: AGRICULTURE COOLIE,
 R/O; RAYANAPALE, TQ. SHORAPUR
 NOW RESIDING AT NAGARBETTA,
 TQ: MUDDEBIHAL. ... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND;

1. BALARAM RAMBARAM MOURYA,
 AGE: MAJOR, OCC: DRIVER,
 OCC: BUSINESS,
 R/O: RAMPUR, TALUK ATTARRA,
 DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
 AGE: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA,
 DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
 S/O RAJESAB KASAB,
 AGE: MAJOR, OCC: DRIVER,
 R/O NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
 AGE: MAJOR, OCC: BUSINESS,
 R/O: NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 AND R4 DISPENSED WITH V/O DATED 30.9.2013;
 SRI SUDARSHAN.M., ADV. FOR R3;

SRI SHIVAYOGIMATH ASSOCIATES, ADV. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.81/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA.CROB.No.1047/2010

BETWEEN

BASANNA S/O IRAPANNA DONAGERI,
AGE: 38 YEARS, OCC: AGRICULTURE COOLIE,
R/O; RAYANAPALE, TQ. SHORAPUR
NOW RESIDING AT NAGARBETTA,
TQ: MUDDEBIHAL.

... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND;

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.

5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL, DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 AND R4 DISPENSED WITH V/O DATED
30.9.2013;
SRI SUDARSHAN.M., ADV. FOR R3;
SRI SHIVAYOGIMATH ASSOCIATES, ADV. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.82/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.FA.CROB.NO.1048/2010

BETWEEN

1. BHIMANNA S/O MALLAPPA NAVALI
AGED 64 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGED 59 YEARS, OCC: H.H.WORK
3. CHANDRAPPA
S/O BASANNA NAVALI
AGED 19 YEARS, R/AT RAYANPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL ... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND:

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.

2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1& R2 DISPENSED WITH V/O DATED 30.9.2013;
SRI SHIVAYOGIMATH ASSOCIATES, ADV. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.83/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
PARTLY ALLOWING THE CLAIM PETITION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN M.F.A.CROB.NO.1049/2010

BETWEEN

1. BHIMANNA S/O MALLAPPA NAVALI
AGED 63 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGED 58 YEARS, OCC: HOUSEHOLD WORK
3. CHANDRAPPA
S/O BASANNA NAVALI

AGED 17 YEARS, OCC: AGRI. COOLIE

ALL R/O RAYANPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE;

AND;

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 & R4 DISPENSED WITH
V/O DATED 30.9.2013;
SRI SUDARSHAN M., ADV. FOR R3;
M/S. SHIVAYOGIMATH ASST. ADVS. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.84/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.FA.CROB.NO.1050/2010

BETWEEN

1. BHIMANNA S/O MALLAPPA NAVALI
AGED 63 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGED 58 YEARS, OCC: H.H.WORK
3. CHANDRAPPA
S/O BASANNA NAVALI
AGED 17 YEARS, OCC: AGRI. COOLIE

ALL R/O RAYANPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND;

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,

S/O RAJESAB KASAB,
 AGE: MAJOR, OCC: DRIVER,
 R/O NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.

5. MEHABOOB S/O KASIMSAB KASAB,
 AGE: MAJOR, OCC: BUSINESS,
 R/O: NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR.

... RESPONDENTS

(NOTICE TO R1, R2 & R4 DISPENSED WITH
 V/O DATED 30.9.2013;
 SRI SUDARSHAN M., ADV. FOR R3;
 SRI. SHIVAYOGIMATH ASSOCIATES, ADVS. FOR R5;
 SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
 AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
 MVC NO.85/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
 PARTLY ALLOWING THE CLAIM PETITION AND AWARDING THE
 COMPENSATION OF RS.3,94,000/- WITH INTEREST AT 6% P.A.

IN M.FA.CROB.NO.1051/2010

BETWEEN

1. BHIMANNA S/O MALLAPPA NAVALI
 AGED 64 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
 AGED 59 YEARS, OCC: H.H.WORK
3. CHANDRAPPA
 S/O BASANNA NAVALI
 AGED 19 YEARS, R/AT RAYANPALE
 NOW AT NAGARABETT
 TALUK MUDDEBIHAL

... CROSS OBJECTORS

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND;

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 & R4 DISPENSED WITH
V/O DATED 30.9.2013;
SRI SUDARSHAN M., ADV. FOR R3;
SMT. RATNA SHIVAYOGIMATH, ADV. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.84/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
PARTLY ALLOWING THE CLAIM PETITION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN M.FA.CROB.NO.1052/2010

BETWEEN

MALLANNA ADAVAPPAGOUDA MALIPATIL
AGE: 26 YEARS, OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARBETT
TQ. MUDDEBIHAL

... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND;

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,
OCC: BUSINESS,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
AGE: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,

S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS
 (NOTICE TO R1, R2 & R4 DISPENSED WITH
 V/O DATED 30.9.2013;
 SRI SUDARSHAN M., ADV. FOR R3;
 SRI. SHIVAYOGIMATH ASSTS., ADVS. FOR R5;
 SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.106/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN M.FA.CROB.NO.1053/2010

BETWEEN

BASAVARAJ S/O VEERAPANNA DONAGERI
 AGE: 36 YAERS, OCC: AGRI. COOLIE
 R/O NAGARBETTA, TQ. SURAPUR
 DIST. YADGIR ... CROSS OBJECTOR

(BY SRI HARSHAVARDHAN.R.MALIPATIL, ADVOCATE)

AND:

1. BALARAM RAMBARAM MOURYA,
 AGE: MAJOR, OCC: DRIVER,
 OCC: BUSINESS,
 R/O: RAMPUR, TALUK ATTARRA,
 DIST: DEORIA, UTTAR PRADESH.
2. LAXMIKANT L.MISHRA,
 AGE: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA,
 DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
 S/O RAJESAB KASAB,

AGE: MAJOR, OCC: DRIVER,
R/O NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.

5. MEHABOOB S/O KASIMSAB KASAB,
AGE: MAJOR, OCC: BUSINESS,
R/O: NALATWAD, TQ: MUDDEBIHAL,
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 & R4 DISPENSED WITH
V/O DATED 30.9.2013;
SRI SUDARSHAN M., ADV. FOR R3;
SRI. SHIVAYOGIMATH ASSTS., ADVS. FOR R5;
SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.108/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
PARTLY ALLOWING THE CLAIM PETITION AND SEEKING
ENHANCEMENT OF COMPENSATION.

IN M.F.A. CROB NO. 1054 OF 2010 (MV)

BETWEEN:

MURAHARI @ MURARI
S/O NARAYAN PAWAR
AGED ABOUT 28 YEARS
OCC: AGRICULTURE COOLIE
R/AT RAJANAKOLUR TANDA
TALUK SURAPUR
DIST: YADAGIR.

... CROSS OBJECTOR

(BY SRI : HARSHAVARDHAN R. MALIPATIL, ADV.)

AND:

1. BALARAM RAMBARAM MOURYA,
AGE: MAJOR, OCC: DRIVER,

OCC: BUSINESS,
 R/O: RAMPUR, TALUK ATTARRA,
 DIST: DEORIA, UTTAR PRADESH.

2. LAXMIKANT L.MISHRA,
 AGE: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA,
 DADAR & NAGAR HAVELI.
3. THE NEW INDIA ASSURANCE CO. LTD.,
 THROUGH BIJAPUR BRANCH.
4. MOHAMMAD @ MOHAMMAD ALLABAX,
 S/O RAJESAB KASAB,
 AGE: MAJOR, OCC: DRIVER,
 R/O NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB,
 AGE: MAJOR, OCC: BUSINESS,
 R/O: NALATWAD, TQ: MUDDEBIHAL,
 DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
 S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(NOTICE TO R1, R2 & R4 DISPENSED WITH
 V/O DATED 30.9.2013;
 SRI SUDARSHAN M., ADV. FOR R3;
 SRI. SHIVAYOGIMATH ASSTS., ADVS. FOR R5;
 SRI MANVENDRA REDDY, ADVOCATE FOR R6)

THIS M.F.A CROB IS FILED UNDER ORDER 41 RULE 22 OF CPC
 AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
 MVC NO.109/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
 PARTLY ALLOWING THE CLAIM PETITION AND SEEKING
 ENHANCEMENT OF COMPENSATION.

IN M.F.A. CROB NO. 1055 OF 2010 (MV)

BETWEEN:

1. DEVEKAVVA CHANDAPPA BILLAR

AGE: 63 YEARS, OCC: H.H. WORK

2. RENUKA D/O SHIVAPPA BILLAR
AGE: 20 YEARS, OCC: H.H.WORK

... CROSS OBJECTORS

(BY SRI : HARSHAVARDHAN R. MALIPATIL, ADV.,)

AND

1. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA
DIST. DEORIA, UTTAR PRADESH
2. LAXMIKANT L. MISHRA
AGE: MAJOR, OCC: BUSINESS
R/O AMLI-SILVASSA
DADAR & NAGAR HAVELI
3. THE NEW INDIA ASSURANCE CO. LTD.
THRUOGH BIJAPUR BRANCH
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB, AGE: MAJOR
OCC: DRIVER, R/O NALATWAD
TQ. MUDDEBIHAL, DIST. BIJAPUR
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
6. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(V/O DTD. 30.09.2013 NOTICE TO R1, R2 & R4
IS DISPENSED WITH;
SRI. SUDARSHAN M. ADV. FOR R3
SRI. SHIVAYOGIMATH ASSTS. FOR R5
SRI. MANVENDRA REDDY, ADV. FOR R6)

THIS MFA CROB IS FILED U/O 41 RULE 22 OF CPC AGAINST
THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC

NO.75/2002 ON THE FILE OF THE MACT VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND SEEKING ENHANCEMENT OF COMPENSATION.

IN MFA NO.30413/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI .. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. BASAMMA W/O TIPPANNA KAMANTAGI
AGED: 33 YEARS, OCC: H.H. WORK
2. HALAVAPPA S/O ADAPPA KAMANATAGI,
AGE: 59 YEARS, OCC: NIL,
3. AMARAVVA
W/O HALAVAPPA KAMANATAGI
AGED: 54 YEARS, OCC: H.H. WORK

ALL ARE R/AT RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL, DIST: BIJAPUR.

4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI
6. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD,TQ: MUDDEBIHAL
DIST: BIJAPUR.
7. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R1-R4
SRI MANVENDRA REDDY, ADV. FOR R8;
SRI SHIVAYOGIMATH ASSTS. FOR R7;
OTICE TO R-6 DISPENSED WITH)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.66/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.3,99,000/- ALONG WITH INTEREST @ 6% P.A.

IN MFA NO.30414/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE
HUBLI ... APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. KOTALAPPA
S/O BHIMANAGOUDA MALIPATIL
AGED: 21 YEARS, OCC: NIL.
2. NINGAMMA
D/O BHIMANAGOUDA MALIPATIL
AGED: 19 YEARS, OCC: NIL.
3. HANAMAWWA
D/O BHIMANAGOUDA MALIPATIL
AGED: 17 YEARS, OCC: NIL.
4. SOMAVVA
D/O BHIMANAGOUDA MALIPATIL
AGED ABOUT 15 YEARS, OCC: NIL.
5. BASANAGOUDA
S/O DESAIGOUDA MALIPATIL
AGED: MAJOR, OCC: AGRICULTURE-COOLIE

PETITIONERS NO.3 & 4 ARE EMINORS
REPTD BY PETITIONER NO.5

ALL ARE R/AT RAYANAPALE
NOW AT NAGARBETTA
TALUK MUDDEIHAL, DIST: BIJAPUR.
6. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TALUK ATTARRA
DIST: DEORIA, UTTAR PRADESH.
7. MOHAMMAD @ MOHAMMAD ALLABAX
S/ORAJESAB KASAB, AGED: MAJOR,
OCC: DRIVER, R/AT NALATWAD
TALUK MUDDEBIHAL.

8. MEHABOOB
S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/AT NALATWAD, TQ: MUDDEBIHAL.
9. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR.

.. RESPONDENTS

(BY SRI HARSHAVARDHAN R MALIPATIL, ADV.FOR R.1 TO 6,
SRI MANVENDRA REDDY, ADV.FOR R.10,
SRI SHIVAYOGIMATH ASSTS, ADV.FOR R.9)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.67/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.3,61,000/- WITH INTEREST AT 6% P.A.

IN MFA 30425/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE
HUBLI

.. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. DEVAMMA
W/O HANAMANTARAYA PUJAR

AGED 39 YEARS
OCC: H H WORK.

2. SAMPAWWA
W/O MALAPPA PUJAR
AGED: 74 YEARS
OCC: AGRICULTURE

BOTH ARE R/AT RAYANAPALE
NOW AT NAGARBETTI
TALUK MUDDEBIHAL.

3. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER,
R/O RAMPUR .. RESPONDENTS

(BY SRI HARSHAVARDHAN R MALIPATIL,
ADV.FOR R.1 TO 3,
SRI MANVENDRA REDDY, ADV. FOR R.7,
SRI SHIVAYOGIMATH ASSTS. ADV.FOR R.6)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.68/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM
PETITION AND AWARDING COMPENSATION OF RS.3,75,000/- WITH
INTEREST AT 6% P.A.

IN MFA 30426/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)

PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE
HUBLI

.. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. RAYAPPA
S/O DURGAPPA GUJJALAR
AGED: 74 YEARS, OCC: NIL.

2. SOMAWWA
W/O RAYAPPA GUJJALAR
AGED: 59 YEARS, OCC: NIL.

BOTH ARE R/AT RAYANAPALE
NOW AT NAGARBETTI
TALUK MUDDEBIHAL.

3. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TALUK: ATTARRA
DIST: DEORIA, UTTAR PRADESH.

4. LAXMIKANT L MISHRA
AGED: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI

5. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB, AGED: MAJOR,
OCC: DRIVER, R/AT NALATWAD,
TALUK: MUDDEBIJAL.

6. MEHABOOB

S/O KASIMSAB KASAB,AGED: MAJOR,
OCC: BUSINESS, R/AT NALATWAD,
TQ: MUDDEBIHAL.

7. UNITED INDIA INSURANCE COMPANY LTD.
S S FRONT ROAD, BIJAPUR. .. RESPONDENTS

(BY SRI MANVENDRA REDDY, ADV.FOR R.7)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.69/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.3,70,000/- WITH INTEREST AT 6% P.A.

IN MFA 30427/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE
HUBLI .. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. RAYAPPA
S/O DURGAPPA GUJJALAR
AGED: 74 YEARS, OCC: NIL.

2. SOMAWWA
W/O RAYAPPA GUJJALAR
AGED: 59 YEARS,OCC: NIL.

BOTH ARE R/AT RAYANAPALE
NOW AT NAGARBETTI
TALUK MUDDEBIHAL.

3. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TALUK: ATTARRA
DIST: DEORIA, UTTAR PRADESH.

4. LAXMIKANT L MISHRA
AGED: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI

5. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB, AGED: MAJOR,
OCC: DRIVER, R/AT NALATWAD,
TALUK: MUDDEBIJAL.

6. MEHABOOB
S/O KASIMSAB KASAB, AGED: MAJOR,
OCC: BUSINESS, R/AT NALATWAD,
TQ: MUDDEBIHAL.

7. UNITED INDIA INSURANCE COMPANY LTD.
S S FRONT ROAD, BIJAPUR.

.. RESPONDENTS

(BY SRI HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 TO 3,
SRI MANVENDRA REDDY, ADV. FOR R.7,
SRI SHIVAYOGIMATH ASSTS, ADV. FOR R.6)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.71/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.1,50,000/- WITH INTEREST AT 6% P.A.

IN MFA 30428/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER, REGIONAL OFFICE
HUBLI

.. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. RAYAPPA
S/O DURGAPPA GUJJALAR
AGED: 74 YEARS, OCC: NIL.

2. SOMAWWA
W/O RAYAPPA GUJJALAR
AGED: 59 YEARS, OCC: NIL.

BOTH ARE R/AT RAYANAPALE
NOW AT NAGARBETTI
TALUK MUDDEBIHAL.

3. BALARAM RAMBARAM MOURYA

AGED: MAJOR, OCC: DRIVER
 R/O RAMPUR, TALUK: ATTARRA
 DIST: DEORIA, UTTAR PRADESH.

4. LAXMIKANT L MISHRA

AGED: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA DADAR & NAGAR HAVELI

5. MOHAMMAD @ MOHAMMAD ALLABAX
 S/O RAJESAB KASAB, AGED: MAJOR,
 OCC: DRIVER, R/AT NALATWAD,
 TALUK: MUDDEBIJAL.

6. MEHABOOB

S/O KASIMSAB KASAB, AGED: MAJOR,
 OCC: BUSINESS, R/AT NALATWAD,
 TQ: MUDDEBIHAL.

7. UNITED INDIA INSURANCE COMPANY LTD.

S S FRONT ROAD, BIJAPUR. .. RESPONDENTS

(SRI MANVENDRA REDDY, ADV. FOR R.7,
 R.1, R5 AND 6 SERVED)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT
 AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
 MVC NO.72/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
 TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM
 PETITION AND AWARDING COMPENSATION OF RS.4,18,000/- WITH
 INTEREST AT 6% P.A.

IN MFA 30429/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
 POLICY NO.140400/31/01/02759

VALID FROM 8-5-2001 TO 7-5-2002.
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BY ITS
 ASSISTANT MANAGER, REGIONAL OFFICE
 HUBLI

.. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. RAYAPPA
 S/O DURGAPPA GUJJALAR
 AGED: 74 YEARS, OCC: NIL.
2. SOMAWWA
 W/O RAYAPPA GUJJALAR
 AGED: 59 YEARS, OCC: NIL.
 BOTH ARE R/AT RAYANAPALE
 NOW AT NAGARBETTI
 TALUK MUDDEBIHAL.
3. BALARAM RAMBARAM MOURYA
 AGED: MAJOR, OCC: DRIVER
 R/O RAMPUR, TALUK: ATTARRA
 DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANT L MISHRA
 AGED: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA, DADAR & NAGAR HAVELI
5. MOHAMMAD @ MOHAMMAD ALLABAX
 S/O RAJESAB KASAB, AGED: MAJOR,
 OCC: DRIVER, R/AT NALATWAD,
 TALUK: MUDDEBIJAL.
6. MEHABOOB
 S/O KASIMSAB KASAB, AGED: MAJOR,
 OCC: BUSINESS, R/AT NALATWAD,
 TQ: MUDDEBIHAL.
7. UNITED INDIA INSURANCE COMPANY LTD.

S S FRONT ROAD, BIJAPUR. .. RESPONDENTS
 (R1, R2, R5 & R6 ARE SERVED)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN MVC NO.73/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.4,42,000/- WITH INTEREST AT 6% P.A.

IN MFA 30430/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
 POLICY NO.140400/31/01/02759
 VALID FROM 8-5-2001 TO 7-5-2002.
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BY ITS
 ASSISTANT MANAGER, REGIONAL OFFICE
 HUBLI .. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. HANAMANTARAY
 S/O BAILAPPA GOPALE
 AGED: 39 YEARS, OCC: AGRICULTURE.
2. CHANDAMMA
 W/O HANAMANTARAY GOPALE
 AGED: 34 YEARS, OCC: AGRICULTURE COOLIE

BOTH ARE R/AT RAYANAPALE
 NOW AT NAGARBETTI
 TALUK MUDDEHIBAL.

3. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TALUK: ATTARRA
DIST: DEORIA, UTTAR PRADESH.
4. LAXMIKANT L MISHRA
AGED: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,DADAR & NAGAR HAVELI
5. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB, AGED: MAJOR,
OCC: DRIVER, R/AT NALATWAD,
TALUK: MUDDEBIJAL.
6. MEHABOOB
S/O KASIMSAB KASAB, AGED: MAJOR,
OCC: BUSINESS, R/AT NALATWAD,
TQ: MUDDEBIHAL.
7. UNITED INDIA INSURANCE COMPANY LTD.
S S FRONT ROAD, BIJAPUR. .. RESPONDENTS

(SRI HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 TO R3,
SRI MANVENDRA REDDY, ADV. FOR R.7,
SRI SHIVAYOGIMATH ASSTS, ADV. FOR R.6,
NOTICE TO R.5 IS DISPENSED WITH)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.74/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM
PETITION AND AWARDING COMPENSATION OF RS.1,50,000/- WITH
INTEREST AT 6% P.A.

IN MFA No.30431/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BYITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI ... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. DEVEKAVVA CHANDAPPA BILLAR
AGED 64 YEARS, OCC: H.H. WORK
 2. RENUKA D/O SHIVAPPA BILLAR
AGED 21 YEARS

BOTH ARE R/AT RAYANAPALE
NOW AT NAGARBETTI
TALUK MUDDEBIHAL

3. BALARAM RAMBARAM MOURYA
AGED MAJOR, OCC: DRIVER
R/O RAMPUR, TALUK ATTARRA
DIST. DEORIA, UTTAR PRADESH
 4. LAXMIKANT L. MISHRA
AGED MAJOR, OCC: BUSINESS
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI
 5. MOHAMMAD @ MAHAMMAD ALLABAX
S/O RAJESAB KASAB
AGED MAJOR, OCC: DRIVER
R/AT NALATWAD, TALUK MUDDEBIHAL
 6. MEHABOOB
S/O KASIMSAB KASAB
AGED MAJOR, OCC: BUSINESS
R/AT NALATWAD, TQ. MUDDEBIHAL
 7. UNITED INDIA INSURANCE COMPANY LTD
S.S. FRONT ROAD, BIJAPUR

(SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R1-R3;
 SRI MANVENDRA REDDY, ADV. FOR R7;
 NOTICE TO R5 IS DISPENSED WITH V/O DTD. 11.03.2011;
 M/S. SHIVAYOGIMATH ASSTS. ADVS. FOR R6)

THIS MFA IS FILED U/S. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.75/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.4,18,000/- WITH INTEREST @ 6% P.A.

IN MFA No.30432/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.
 POLICY NO.140400/31/01/02759
 VALID FROM 8-5-2001 TO 7-5-2002
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BY ITS
 ASSISTANT MANAGER
 REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. DEVEKAVVA CHANDAPPA BILLAR
 AGED 64 YEARS, OCC: H.H. WORK

2. RENUKA D/O SHIVAPPA BILLAR
 AGED 21 YEARS

BOTH ARE R/AT RAYANAPALE
 NOW AT NAGARBETTI
 TALUK MUDDEBIHAL

3. BALARAM RAMBARAM MOURYA
 AGED MAJOR, OCC: DRIVER
 R/O RAMPUR, TALUK ATTARRA
 DIST. DEORIA, UTTAR PRADESH

4. LAXMIKANT L. MISHRA
AGED MAJOR, OCC: BUSINESS
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI
5. MOHAMMAD @ MAHAMMAD ALLABAX
S/O RAJESAB KASAB
AGED MAJOR, OCC: DRIVER
R/AT NALATWAD, TALUK MUDDEBIHAL
6. MEHABOOB
S/O KASIMSAB KASAB
AGED MAJOR, OCC: BUSINESS
R/AT NALATWAD, TQ. MUDDEBIHAL
7. UNITED INDIA INSURANCE COMPANY LTD.
S.S. FRONT ROAD, BIJAPUR ... RESPONDENTS

(SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R1-R3;
SRI MANVENDRA REDDY, ADV. FOR R7;
NOTICE TO R5 IS DISPENSED WITH V/O DTD. 11.03.2011;
M/S. SHIVAYOGIMATH ASSTS. ADVS. FOR R6)

THIS MFA IS FILED U/S. 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.76/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.3,46,000/- WITH INTEREST @ 6% P.A.

IN MFA No.30438/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BYITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI ... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. KOTALAPPA
S/O BHIMANAGOUDA MALIPATIL
AGE: 21 YEARS, OCC: NIL
2. NINGAMMA
W/O BHIMANAGOUDA MALIPATIL
AGE: 19 YEARS, OCC: NIL
3. HANAMAVVA
D/O BHIMANNA GOUDA MALIPATIL
AGE: 17 YEARS, OCC: NIL
4. SOMAWWA
D/O BHIMANAGOUDA MALIPATIL
AGED ABOUT 15 YEARS, OCC: NIL
5. BASANAGOUDA
S/O DESAIGOUDA MALIPATIL
AGED MAJOR, OCC: AGRICULTURE-COOLIE

PETITIONERS NO.4 & 5 ARE MINORS
REPTD. BY PETITIONER NO.5

ALL ARE R/AT RAYANAPALE,
NOW AT NAGARBETTA
TQ . MUDDEBIHAL,DIST: BIJAPUR.
6. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
7. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
8. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL, DIST: BIJAPUR.

9. MEHABOOB S/O KASIMSAB KASAB
 AGE: MAJOR, OCC: BUSINESS
 R/O : NALATWAD
 TQ: MUDDEBIHAL
 DIST: BIJAPUR.
10. UNITED INDIA INSURANCE CO. LTD.,
 S.S. FRONT ROAD, BIJAPUR
 ... RESPONDENTS

(SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R1 TO R6;
 SRI MANAVENDRA REDDY, ADV. FOR R10;
 SRI SHIVAYOGIMATH ASSTS. FOR R9;
 NOTICE TO R8 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.77/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDED THE COMPENASTION AT RS.3,93,000 ALONG WITH INTEREST @ 6% P.A.

IN MFA No.30439/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.
 POLICY NO.140400/31/01/02759
 VALID FROM 8-5-2001 TO 7-5-2002
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BYITS
 ASSISTANT MANAGER
 REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. DEVAPPA S/O DYAMANA GOUDA MALIPATIL,
 AGE: 36 YEARS, OCC: COOLIE
 R/O RAYANAPALE, DIST: BIJAPUR.
- 2 BALARAM RAMBARAM MOURYA
 AGE: MAJOR, OCC: DRIVER

R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB, AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL, DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S S FRONT ROAD, BJAPUR. ... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 & 2,
SRI MANVENDRA REDDY, ADV.FOR R.6,
M/S SHIVAYOGIMATH ASSTS., ADV.FOR R.5
NOTICE TO R.4 IS DISPENSED WITH)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.78/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.262000/- ALONG WITH INTEREST @ 6% P.A.

IN MFA 30440/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BYITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI ... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. BASAMMA W/O TIPANNA
KAMANATAGI,
AGE: 32 YEARS,
OCC: HOUSEHOLD WORK
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE COMPANY LTD.
S S FRONT ROAD, BIJAPUR. ... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 & 2,
SRI MANVENDRA REDDY, ADV.FOR R.6,
SRI SHIVAYOGIMATH ASSTS., ADV.FOR R.5,
NOTICE TO R.4 IS DISPENSED WITH)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT
AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.79/2002 ON
THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF
RS.1,50,000/- ALONG WITH INTEREST @ 6% P.A.

IN MFA 30450/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI ... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND:

1. BASAMMA W/O TIPPANNA
KAMANATAGI,
AGE: 39 YEARS,
OCC: HOUSEHOLD WORK
R/AT RAYANAPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL.

2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.

3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI

4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD,TQ: MUDDEBIHAL
DIST: BIJAPUR.

5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.

6. UNITED INDIA INSURANCE COMPANY LTD.
S S FRONT ROAD, BIJAPUR.

... RESPONDENTS

(BY SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 & 2,
SRI MANVENDRA REDDY, ADV.FOR R.6,
SRI SHIVAYOGIMATH ASSTS., ADV.FOR R.5,
NOTICE TO R.4 IS DISPENSED WITH)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT
AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.80/2002 ON
THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE
CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF
RS.1,50,000/- ALONG WITH INTEREST @ 6% P.A.

IN M.FA.NO.30451/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759,
VALID FROM 8.5.2001 TO 7.5.2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER,
REGIONAL OFFICE, HUBLI.

... APPELLANT

(BY SRI SUDARSHAN.M., ADVOCATE)

AND:

1. BASANNA S/O IRAPANNA DONAGERI,
AGED: 39 YEARS,
OCC: AGRICULTURE COOLIE,
R/AT RAYANAPALE,
NOW AT NAGARABETT,
TALUK MUDDEBIHAL.
2. BALARAM RAMBARAM MOURYA,
AGED: MAJOR, OCC: DRIVER,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.

3. LAXMIKANT L.MISHRA,
AGED: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI,
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGED: MAJOR, OCC: DRIVER,
R/AT NALATWAD, TQ: MUDDEBIHAL.
5. MEHABOOB S/O KASIMSAB KASAB,
AGED: MAJOR, OCC: BUSINESS,
R/AT: NALATWAD, TQ: MUDDEBIHAL.
6. UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(SRI H.R.MALIPATIL, ADV. FOR R1 & R2;
SRI MANVENDRA REDDY, ADV. FOR R6;
V/O DTD. 11/3/11 NOTICE TO R4 DISPENSED WITH;
SRI SHIVAYOGIMATH ASSOCIATES, FOR R5)

THIS M.F.A IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.81/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
PARTLY ALLOWING THE CLAIM PETITION AND AWARDING
COMPENSATION OF RS.3,9,4000/- WITH INTEREST AT 6% P.A.

IN M.FA.NO.30452/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759,
VALID FROM 8.5.2001 TO 7.5.2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER,
REGIONAL OFFICE, HUBLI. ... APPELLANT

(BY SRI SUDARSHAN.M., ADVOCATE)

AND;

1. BASANNA S/O IRAPANNA DONAGERI,
AGED: 39 YEARS,
OCC: AGRICULTURE COOLIE,
R/AT RAYANAPALE,
NOW AT NAGARABETT,
TALUK MUDDEBIHAL.
2. BALARAM RAMBARAM MOURYA,
AGED: MAJOR, OCC: DRIVER,
R/O: RAMPUR, TALUK ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANT L.MISHRA,
AGED: MAJOR, OCC: BUSINESS,
R/AT AMLI-SILVASSA,
DADAR & NAGAR HAVELI,
4. MOHAMMAD @ MOHAMMAD ALLABAX,
S/O RAJESAB KASAB,
AGED: MAJOR, OCC: DRIVER,
R/AT NALATWAD, TQ: MUDDEBIHAL.
5. MEHABOOB S/O KASIMSAB KASAB,
AGED: MAJOR, OCC: BUSINESS,
R/AT: NALATWAD, TQ: MUDDEBIHAL.
6. UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, BIJAPUR. ... RESPONDENTS

(SRI MANVENDRA REDDY, ADV. FOR R6;
R1, R4 & R5 ARE SERVED)

THIS M.F.A IS FILED UNDER SECTION 173(1) OF MV ACT
AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
MVC NO.82/2002 ON THE FILE OF THE MACT-VIII MUDDEBIHAL,
PARTLY ALLOWING THE CLAIM PETITION AND AWARDING
COMPENSATION OF RS.1,50,000/- WITH INTEREST AT 6% P.A.

IN M.FA.NO.30453/2011

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
 POLICY NO.140400/31/01/02759,
 VALID FROM 8.5.2001 TO 7.5.2002.
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BY ITS
 ASSISTANT MANAGER,
 REGIONAL OFFICE, HUBLI.

... APPELLANT

(BY SRI SUDARSHAN.M., ADVOCATE)

AND;

1. BHIMANNA S/O MALLAPPA NAVALI
AGE: 64 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGE : 59 YEARS, OCC: H H WORK
3. CHANDRAPPA
S/O BASANNA NAVALI
AGE: 19 YEARS
R/AT RAYANAPALE
NOW AT NAGARBETTA
TQ: MUDDEBIHAL
4. BALARAM RAM BARAM MOURYA
AGE: MAJOR OCC: DRIVER
R/O : RAMAPUR TQ: ATTARA
DIST: DEORIA, UTTAR PRADESH
5. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O : AMLI SILVASSA DADAR & NAGAR HAVELI
6. MOHAMMAD @ MOHAMMAD ALLBAX
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL
7. MEHABOOB S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL

8. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR
... RESPONDENTS

(SRI: HARSHAVARDHAN R MALIPATIL, ADV. FOR R1-R4;
SRI MANVENDRA REDDY, ADV. FOR R8;
NOTICE OT R6 IS DISPENSED WITH V/O DTD. 11.3.11)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.83/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.1,50,000/- ALONG WITH INTEREST @ 6% P.A.

IN MFA 30454/2011

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002.
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI .. APPELLANT

(BY SRI SUDARSHAN M, ADV)

AND:

1. BHIMANNA
S/O MALLAPPA NAVALI,
AGED: 64 YEARS, OCC:NIL.
2. YAMANAWWA
W/O BHIMANNA NAVALI
AGED: 59 YEARS, OCC: H H WORK.
3. CHANDRAPPAA

S/O BASANNA NAVALI
 AGED: 19 YEARS, R/AT RAYANAPALE
 NOW AT NAGARABETT,
 TALUK MUDDEBIHAL.

4. BALARAM RAMBARAM MOURYA
 AGED: MAJOR, OCC: DRIVER
 R/O RAMPUR, TALUK: ATTARRA
 DIST: DEORIA, UTTAR PRADESH.
5. LAXMIKANT L MISHRA
 AGED: MAJOR, OCC: BUSINESS,
 R/AT AMLI-SILVASSA,DADAR & NAGAR HAVELI
6. MOHAMMAD @ MOHAMMAD ALLABAX
 S/O RAJESAB KASAB, AGED: MAJOR,
 OCC: DRIVER, R/AT NALATWAD,
 TALUK: MUDDEBIJAL, BIJAPUR.
7. MEHABOOB
 S/O KASIMSAB KASAB, AGED: MAJOR,
 OCC: BUSINESS, R/AT NALATWAD,
 TQ: MUDDEBIHAL, BIJAPUR.
8. UNITED INDIA INSURANCE CO. LTD.
 S S FRONT ROAD, BIJAPUR. .. RESPONDENTS

(SRI HARSHAVARDHAN R MALIPATIL, ADV. FOR R.1 TO 4,
 SRI MANVENDRA REDDY, ADV. FOR R.8,
 SRI SHIVAYOGIMATH ASSTS, ADV. FOR R.7,
 NOTICE TO R.6 IS DISPENSED WITH)

THIS APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT
 AGAINST THE JUDGMENT AND AWARD DATED 25.2.2010 PASSED IN
 MVC NO.84/2002 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS
 TRIBUNAL NO.VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM

PETITION AND AWARDING COMPENSATION OF RS.1,50,000/- WITH
INTEREST AT 6% P.A.

IN M.F.A. NO. 30455 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI
AGED 64 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGED 59 YEARS, OCC: H.H.WORK
3. CHANDRAPPA
S/O BASANNA NAVALI
AGED 19 YEARS
R/AT RAYANPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL
4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR TQ. ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
5. LAXMIKANTH L MISHRA
AGED: MAJOR, OCC: BUSINESS
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI
6. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB

AGED: MAJOR OCC: DRIVER
R/AT : NALATWAD, TQ: MUDDEBIHAL

7. MEHABOOB S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
8. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(SRI HARSHAVARDHAN R MALIPATIL, ADV. FOR R1-R4;
SRI MANVENDRA REDDY, ADV. FOR R8;
SRI SHIVAYOGIMATH ASSTS. FOR R7;
V/O DTD. 11.3.2011 NOTICE TO R6 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.85/2002 ON THE FILE OF THE MACT-VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.3,94,000/- WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 30456 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. BHIMANNA S/O MALLAPPA NAVALI
AGED 64 YEARS, OCC: NIL
2. YAMANAWWA W/O BHIMANNA NAVALI
AGED 59 YEARS, OCC: H.H.WORK

3. CHANDRAPPA
S/O BASANNA NAVALI
AGED 19 YEARS
R/AT RAYANPALE
NOW AT NAGARABETT
TALUK MUDDEBIHAL
 4. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMPUR TQ. ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
 5. LAXMIKANTH L MISHRA
AGED: MAJOR, OCC: BUSINESS
R/AT AMLI-SILVASSA
DADAR & NAGAR HAVELI
 6. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGED: MAJOR OCC: DRIVER
R/AT : NALATWAD, TQ: MUDDEBIHAL
 7. MEHABOOB S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
 8. UNITED INDIA INSURANCE CO. LTD.
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(SRI HARSHAVARDHAN R MALIPATIL, ADV. FOR R1 TO R4;
SRI MANVENDRA REDDY, ADV. FOR R8;
SRI SHIVAYOGIMATH ASSTS. FOR R7;
V/O DTD. 11.3.2011 NOTICE TO R6 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.86/2002 ON THE FILE OF THE MACT-VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENSATION OF RS.4,42,000/- WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 30457 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. MALLANNA ADAVAPPAGOUDA
MALIPATIL, AGE: 26 YEARS,
OCC: AGRICULTURE COOLIE
R/O RAYANAPALE
NOW AT NAGARBETTA
TQ. MUDDEBIHAL, DIST: BIJAPUR.
2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL, DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(SRI MANVENDRA REDDY, ADV. FOR R6;
R1, R4 & R5 ARE SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.106/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.31,000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO.30458 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. SAGAREMMA
D/O DEVAPPA GUJJALAR
AGED ABOUT 18 YEARS
R/AT NAGARABETT
TALUK MUDDEBIHAL
2. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANT L MISHRA
AGE: MAJOR, OCC: BUSINESS
R/AT AMLI-SILVASSA DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB

AGE: MAJOR OCC: DRIVER
R/O : NALATWAD, TQ: MUDDEBIHAL

5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(SRI MANVENDRA REDDY, ADV. FOR R6;
R4 & R5 ARE SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.107/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.8,000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO.30459 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. BASAVARAJ
S/O VEERAPANNA DONAGERI
AGE: 35 YEARS,
OCC: AGRICULTURE COOLIE
R/AT NAGARGETT
TQ. SURPUR

2. BALARAM RAMBARAM MOURYA
AGE: MAJOR, OCC: DRIVER
R/O RAMAPUR TQ. ATTARA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGE: MAJOR OCC: BUSINESS
R/O AMLI SILVASSA DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLBAKASH
S/O RAJESAB KASAB
AGE: MAJOR OCC: DRIVER
R/O : NALATWAD
TQ: MUDDEBIHAL, DIST: BIJAPUR.
5. MEHABOOB S/O KASIMSAB KASAB
AGE: MAJOR, OCC: BUSINESS
R/O : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA ASSURANCE CO. LTD.,
S.S.FRONT ROAD, BIJAPUR

... RESPONDENTS

(SRI MANVENDRA REDDY, ADV. FOR R6;
R5 IS SERVED)

THIS MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.108/2002 ON THE FILE OF THE MACT VIII AT MUDDEBIHAL PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND AWARDING SUM OF RS.47,000/- ALONG WITH INTEREST @ 6% P.A.

IN M.F.A. NO. 30460 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. MURAHARI @ MURARI
S/O NARAYAN PAWAR
AGED ABOUT 29 YEARS
OCC: AGRICULTURE COOLIE
R/AT RAJANAKOLUR TANDA
TALUK SURAPUR
2. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGED: MAJOR OCC: BUSINESS
R/AT AMLI SILVASSA
DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGED: MAJOR, OCC: DRIVER
R/AT : NALATWAD, TQ: MUDDEBIHAL
5. MEHABOOB S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/AT : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(SRI: MANVENDRA REDDY, ADV FOR R6;
R1, R4, R5 ARE SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.109/2002 ON THE FILE OF THE MACT VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENASTION OF RS.32,000/- WITH INTEREST @ 6% P.A.

IN M.F.A. NO.30461 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
 POLICY NO.140400/31/01/02759
 VALID FROM 8-5-2001 TO 7-5-2002
 (SUMMONS THROUGH BIJAPUR BRANCH)
 PRESENTLY REPRESENTED BY ITS
 ASSISTANT MANAGER
 REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. HANAMANTARAYA
 S/O BAILAPPA GOPALE
 AGED ABOUT 39 YEARS
 OCC: AGRICULTURE COOLIE
 R/AT RAJANAKOLUR TANDA
 TALUK SURAPUR
2. BALARAM RAMBARAM MOURYA
 AGED: MAJOR, OCC: DRIVER
 R/O RAMPUR, TQ. ATTARRA,
 DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
 AGED: MAJOR OCC: BUSINESS
 R/AT AMLI SILVASSA
 DADAR & NAGAR HAVELI
4. MOHAMMAD @ MOHAMMAD ALLABAX
 S/O RAJESAB KASAB
 AGED: MAJOR, OCC: DRIVER
 R/AT : NALATWAD, TQ: MUDDEBIHAL
5. MEHABOOB S/O KASIMSAB KASAB
 AGED: MAJOR, OCC: BUSINESS
 R/AT : NALATWAD, TQ: MUDDEBIHAL
 DIST: BIJAPUR.

6. UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(SRI: MANVENDRA REDDY, ADV FOR R6;
R1, R4, R5 ARE SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.110/2002 ON THE FILE OF THE MACT VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENASTION OF RS.8,000/- WITH INTEREST @ 6% P.A.

IN M.F.A. NO.30465 OF 2011 (MV)

BETWEEN

THE NEW INDIA ASSURANCE CO. LTD.,
POLICY NO.140400/31/01/02759
VALID FROM 8-5-2001 TO 7-5-2002
(SUMMONS THROUGH BIJAPUR BRANCH)
PRESENTLY REPRESENTED BY ITS
ASSISTANT MANAGER
REGIONAL OFFICE, HUBLI

... APPELLANT

(BY SRI : SUDARSHAN M., ADV.,)

AND

1. SHANTABAI
W/O MURAHARI PAWAR
AGED ABOUT 39 YEARS
OCC: AGRICULTURE COOLIE
R/AT RAJANAKOLUR TANDA
TALUK SURAPUR
2. BALARAM RAMBARAM MOURYA
AGED: MAJOR, OCC: DRIVER
R/O RAMPUR, TQ. ATTARRA,
DIST: DEORIA, UTTAR PRADESH.
3. LAXMIKANTH L MISHRA
AGED: MAJOR OCC: BUSINESS
R/AT AMLI-SILVASSA

DADAR & NAGAR HAVELI

4. MOHAMMAD @ MOHAMMAD ALLABAX
S/O RAJESAB KASAB
AGED: MAJOR, OCC: DRIVER
R/AT : NALATWAD, TQ: MUDDEBIHAL
5. MEHABOOB S/O KASIMSAB KASAB
AGED: MAJOR, OCC: BUSINESS
R/AT : NALATWAD, TQ: MUDDEBIHAL
DIST: BIJAPUR.
6. UNITED INDIA INSURANCE COMPANY LTD.,
S.S.FRONT ROAD, BIJAPUR ... RESPONDENTS

(SRI: MANVENDRA REDDY, ADV FOR R6;
R1, R4, R5 ARE SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 25.02.2010 PASSED IN MVC NO.115/2002 ON THE FILE OF THE MACT VIII, MUDDEBIHAL, PARTLY ALLOWING THE CLAIM PETITION AND AWARDING COMPENASTION OF RS.7,000/- WITH INTEREST @ 6% P.A.

THESE APPEALS AND CROSS OBJECTIONS COMING ON FOR ADMISSION THIS DAY, THE COURT DELIVERED THE FOLLOWING;

JUDGMENT

Though all these appeals are posted for admission, with the consent of learned counsel for both the parties, the same are taken up for final disposal.

2. All these appeals and cross objections are filed challenging the common judgment and award dated

25.02.2010 passed in MVC Nos.66 to 69, 71 to 86, 106 to 110 and MVC No.115 all of the year 2002 on the file of the Motor Accident Claims Tribunal No.VIII Muddebihal at Muddebihal. Further it is seen that in the accident, two vehicles are involved and as such the insurer of the said two vehicles namely, the United India Insurance Company Limited and New India Assurance Company Limited have preferred the appeals against the said common judgment, whereas the claimants in all the cases have chosen to prefer cross objections in the respective appeal.

The details of the said cases the respective appeals and cross objections filed by the legal representatives of the deceased victims are as hereunder:

Sl. No.	MVC No.	Appeals by United India Insurance Co.	Appeals by New India Insurance Co.	Cross Appeal by claimants
1	66 of 2002	MFA 31186 of 2010	30413 of 2011	CROB 1033 of 2010
2	67 of 2002	MFA 31187 of 2010	30414 of 2011	CROB 1039 of 2010
3	68 of 2002	MFA 31188 of 2010	30425 of 2011	CROB 1040 of 2010
4	69 of 2002	MFA 31189 of 2010	30426 of 2011	CROB 1038 of 2010

5	71 of 2002	MFA 31190 of 2010	30427 of 2011	CROB 1037 of 2010
6	72 of 2002	MFA 31191 of 2010	30428 of 2011	CROB 1036 of 2010
7	73 of 2002	MFA 31192 of 2010	30429 of 2011	CROB 1035 of 2010
8	74 of 2002	MFA 31193 of 2010	30430 of 2011	CROB 1034 of 2010
9	75 of 2002	MFA 31194 of 2010	30431 of 2011	CROB 1055 of 2010
10	76 of 2002	MFA 31195 of 2010	30432 of 2011	CROB 1041 of 2010
11	77 of 2002	MFA 31196 of 2010	30438 of 2011	CROB 1042 of 2010
12	78 of 2002	MFA 31197 of 2010	30439 of 2011	CROB 1043 of 2010
13	79 of 2002	MFA 31198 of 2010	30440 of 2011	CROB 1044 of 2010
14	80 of 2002	MFA 31199 of 2010	30450 of 2011	CROB 1045 of 2010
15	81 of 2002	MFA 31200 of 2010	30451 of 2011	CROB 1046 of 2010
16	82 of 2002	MFA 31201 of 2010	30452 of 2011	CROB 1047 of 2010
17	83 of 2002	MFA 31202 of 2010	30453 of 2011	CROB 1048 of 2010
18	84 of 2002	MFA 31203 of 2010	30454 of 2011	CROB 1049 of 2010
19	85 of 2002	MFA 31204 of 2010	30455 of 2011	CROB 1050 of 2010
20	86 of 2002	MFA 31205 of 2010	30456 of 2011	CROB 1056 of 2010

4. Likewise, the said two Insurance Companies as well as the injured claimants are in appeal and the details of the said cases so preferred are as hereunder:

Sl. No.	MVC No.	Appeals by United India Insurance Co.	Appeals by New India Assurance Co.	Cross Appeal by claimants
1	106 of 2002	MFA 31206 of 2010	30457 of 2011	CROB 1052 of 2010
2	107 of 2002	MFA 31207 of 2010 Dismissed	30458 of 2011	---
3	108 of 2002	MFA 31208 of 2010	30459 of 2011	CROB 1053 of 2010
4	109 of 2002	MFA 31209 of 2010	30460 of 2011	CROB 1054 of 2010

5. Apart from the said cross objections and appeals, there are two more appeals preferred by only New India Assurance Company Limited against the judgment and award passed in MVC Nos.110/2002 and 115/2002 which are pending disposal in MFA Nos.30461/2011 and 30465/2011.

6. On perusal of the records of the said cases, in particular, the pleadings, it is seen that except the MVC No.66/2002 which is pending in appeals in MFA Nos.31186/2010, 30413/2011 and MFA Cross Objection No.1033/2010, and also MVC.No.68/2002 pending in MFA No.31188/2010, MFA No.30425/2011 and Crob No.1040/2010, all other petitions are filed by invoking

provision under Section 163A of the Motor Vehicles Act, 1988 (for short '*the Act*'), whereas the said MVC No.66/2002 and MVC.No.68/2002 are filed under Section 166 of the Act.

7. As it is the common judgment rendered by clubbing all the cases both the petition filed under Section 166 of the Act as well as the petitions filed under Section 163A of the Act, the Tribunal deemed it fit to consider the question of cause of accident in common and on the basis of the evidence let in, has held that the accident occurred on account of the negligence of the drivers of both the vehicles involved in the accident, in the proportion of 30% and 70%.

8. The brief facts leading to filing of the said cases are that:

On 02.11.2002 when all the injured persons as well as the persons who have lost their lives in the accident were travelling in the vehicle bearing Reg. No.KA-28/A-2171/mini lorry, belonging to one Mehaboob S/o Kasimsab Kasab of Nalatwad village, Tq. Muddebihal, Dist. Bijapur, who is

arrayed as one of the respondents in all the cases, from Rayanapale to Ratnagiri, along with their goods to Ratnagiri to eke out their livelihood in the said place, and the said mini lorry was driven by one Mohammad @ Mohammad Allabax S/o Rajesab Kasab of Nalatwad village, Tq. Muddebihal. It is further the case of the claimants that when the said vehicle came near Hittnalli Petrol Bunk at about 12.20 mid night, the truck bearing Reg. No.DN-09/A-9020 owned by one Laxmikant L. Mishra which was being driven by its driver in a rash manner, came form opposite direction with high speed and dashed against the said mini lorry in which the victims were travelling. Further it is alleged that the driver of the mini lorry on seeing the said vehicle being driven in a rash manner took the vehicle to the extreme left side of the road, despite which the driver of the truck which came from the opposite direction drove the same in a rash manner and dashed against their mini lorry and caused the accident; on account of which the mini lorry toppled thrice on the road and all the victims sustained grievous injuries and out of

whom many sustained fatal injuries. In the circumstances, the legal representatives of the deceased victims and the persons who sustained injuries have chosen to file their respective claim petition as detailed supra.

9. To prove their case, the claimants in all cases together chose to examine as many as 18-witnesses and got marked the Ex.P-1 to Ex.P-53 and on behalf of the respondents, driver of mini lorry is examined as RW-1, one of the official of United India Insurance Co. Ltd., is examined as RW-2 and one of the official of New India Assurance Company is examined as RW-3 and Ex.R-1 to Ex.R-6 are marked.

10. On appreciation of the evidence so adduced, the tribunal deemed fit to allow all the petitions partly with costs holding that the accident occurred on account of the contributory negligence of drivers of both the vehicles i.e. driver of the Truck bearing Regn.No.DN-09-A-9020 to an extent of 70% and the driver of the Mini Lorry bearing Regn.No.KA-28-A-2171 to an extent of 30% and accordingly

directed the insurer of the said vehicles to pay the compensation as awarded. Further, the claimants were awarded Rs.3,99,000/-, Rs.3,61,000/-, Rs.3,75,000/-, Rs.3,70,000/-, Rs.1,50,000/-, Rs.4,18,000/- Rs.4,42,000/-, Rs.1,50,000/-, Rs.4,18,000/-, Rs.3,46,000/-, Rs.3,93,000/-, Rs.2,26,000/-, Rs.1,50,000/-, Rs.1,50,000/-, Rs.3,94,000/-, Rs.1,50,000/-, Rs.1,50,000/-, Rs.1,50,000/-, Rs.3,94,000/-, Rs.4,42,000/-, Rs.31,000/-, Rs.8,000/-, Rs.47,000/-, Rs.32,000/-, Rs.8,000/- and Rs.7,000/- respectively in the cases against which the appeals are preferred.

11. Aggrieved by the said passing of the award as stated earlier, the insurer of both the vehicles are in appeal. Whereas, the claimants have preferred cross objections in the respective appeal.

12. It is contended by M/s. United India Insurance Co. Ltd., the insurer of the Mini Lorry bearing Regn.No.KA-28-A-2171, in which the victims were travelling, that there is a clear violation of terms and conditions of the policy of

insurance and the tribunal has failed to appreciate the contents of Ex.R-2, the policy so marked and further it is contended that admittedly 40 to 50 persons were travelling in the said mini lorry, which is a light goods vehicle and there was no permit to carry passengers or coolies in excess of three persons as per Rules. Further it is contended that as all the victims are un-authorised passengers, there was no justification for the tribunal to fasten the liability on the insurance company. During the course of arguments, the learned counsel appearing for the insurer United India Insurance Co. Ltd.,/the insurer of the mini lorry, Sri.Manvendra Reddy, apart from re-iterating the said contentions urged in the memorandum of appeal, further contended that as the owner has not chosen to prefer any appeal, the said fact also may be considered and further contended that as per the evidence let in, the alleged accident occurred solely on account of the rash driving of the Truck bearing Regn.No.DN-09/A-9020 and as such even fixing of the liability to the extent of 30% is not proper.

13. Likewise, Smt. Ratna Shivayogimath, Advocate, who appears for owner of the Mini Lorry bearing Regn.No.KA-28-A-2171 contended that absolutely there is no rashness or negligence on the part of driver of the said mini lorry in causing the accident and the same is admitted by almost all the material eye witnesses during the course of their cross examination, that the alleged accident occurred on account of rash driving of the Truck bearing Regn.No.DN-09-A-9020 and the claim petitions as against the owner as well as the insurer of the said mini lorry ought to have been dismissed and apportioning of the liability to an extent of 30% is not proper. Further she submitted that the driver of the said Truck bearing Regn.No.DN-09-A-9020, who is survived in the said accident is not at all chosen to be examined as a witness by the owner of the said vehicle. Further, she submitted that the owner of the said vehicle has not adduced any evidence nor has he chosen to file any statement of objection, on the other hand, both of them, who are also arrayed as respondent nos.1

and 2 in all the cases, namely Balaram Rambaram Mourya,(Driver) as respondent no.1, owner of the truck Laxmikant L. Mishra as respondent no.2, remained absent from the proceedings and as such an adverse inference will have to be drawn against them.

14. Sri Sudharshan M., the learned counsel for the insurer of the said truck, submitted that basically there was no valid policy, covering the risk of said Truck bearing Regn.No.DN-09-A-9020 as the cheque issued by the owner of the vehicle towards the policy was dis-honoured; though there was a valid cancellation of the said policy, the tribunal has failed to consider such cancellation and in the circumstance, fastening the liability on the insurer – New India Assurance Co. Ltd., to an extent of 70% is not proper. Without prejudice to such contention, he further submitted that as the accident occurred on account of involvement of two vehicles, the extent of liability would have been fixed in equal ratio and not in the ratio of 70% and 30%.

15. Further, it is contended that, except MVC Nos.66 and 68 of 2012, all other petitions are filed U/Sec.163-A of M.V. Act, the compensation awarded may be re-assessed under the said provision only and not U/Sec.166 of M.V. Act. The said assessment of compensation by the tribunal U/Sec.166 of M.V. Act, in all the cases is not proper.

16. The said learned counsel appearing for New India Insurance Company relied upon the decision reported in **AIR (SCW)-2006-page-1116** in the case of *Bijoy Kumar Dugar Vs. Bidyadhar Dutta*, where in at paragraph No.6 it is observed as hereunder;

“6. In the present case, as noticed, there is no evidence brought on record by the claimants to show the future prospects of the deceased. This contention, in our view, is not tenable to sustain it.

Adverting to the next contention of the claimants, no doubt the High Court has not dealt with the point in issue. However, we have noticed the reasoning and finding of the MACT recorded under Issue No.2. It is the evidence of Rajesh Kumar Gupta-P.W.2 who was travelling in the Maruti car along with the deceased Raj Kumar Dugar on the day of the accident that he also

suffered some injuries in the said accident. He stated that while coming from Digboi, the Maruti car being driven by the deceased met with an accident at a place near Kharjan Pol. Before the accident, Raj Kumar Dugar noticed a passenger bus coming from the opposite direction and the movement of the bus was not normal as it was coming in a zigzag manner. The Maruti car being driven by the deceased Raj Kumar Dugar and the offending bus had a head-on collision. The MACT has not accepted the evidence of P.W.2 to prove that the driver of the offending bus was driving the vehicle in abnormal speed. If the bus was being driven by the driver abnormally in a zigzag manner, as P.W.2 wanted to believe the Court, it was, but natural, as a prudent man for the deceased to have taken due care and precaution to avoid head-on collision when he had already seen the bus from a long distance coming from the opposite direction. It was head-on collision in which both the vehicles were damaged and unfortunately, Raj Kumar Dugar died on the spot. The MACT, in our view, has rightly observed that had it been the knocking on one side of the car, the negligence or rashness could have been wholly fastened or attributable to the driver of the bus, but when the vehicles had a head-on collision, the drivers of both the vehicles should be held responsible to have contributed equally to the accident. The finding on this issue is a finding of fact and we do not find any cogent and convincing reason to disagree with the well-reasoned order of the MACT on this point. The MACT has awarded interest at the rate of 10% per annum on the amount of compensation from the date of filing of the claim application till the date of payment. It is a discretionary relief

granted by the MACT and, in our view, the discretion exercised by the MACT cannot be said to be inadequate and inappropriate.

For the above said reasons, we find that the amount of compensation awarded by the MACT to the claimants is just and equitable and warrants no further enhancement. We find the pleas raised by the claimants wholly untenable as there is no material on record to sustain them. Hence, the appeal filed by the claimants for enhancement of compensation stands dismissed. C.A.No.3732 of 2002. (emphasis supplied)

17. Further he submitted that the report of the motor vehicle inspector which is marked as Ex.P-4 discloses that both the vehicles were damaged and as such the contributory negligence on the driver of both the vehicles has to be held to be in equal proportion.

18. Per contra learned counsel Smt. Ratna Shivayogi Matt appearing for the owner of the vehicle/mini lorry bearing registration No.KA-28/A-2171 submitted that owing to the dashing of the vehicle by the truck the said mini lorry toppled thrice and as such whatever damage are noticed, the same

has occurred only on account of toppling of the vehicle. Further she submitted that in Ex.P-4 the report of the motor vehicle inspector nothing is mentioned about damage caused to the front side of the vehicle and the damage of wind screen on the front side is only on account of toppling of the vehicle, whereas the truck bearing registration No.DN-09/A-9020 which came from opposite direction is completely damaged on the front side in as much as wind shield glass frame, both side corner, Body portion of the front bumper are all damaged, further both the indicator on the front side, radiator both the head lights of the said vehicle are damaged. Thus further she submitted that Ex.P-4 clearly goes to show that the accident occurred only on account of rash driving of the truck bearing registration No.DN-09/A-9020 and the driver of the mini lorry was in no way responsible for the accident.

19. Thus she submitted that in view of the said contents of the Ex.P-4, the citation relied upon by the learned

counsel appearing for the insurer of the truck bearing registration No.DN-09/A-9020 is not applicable to the facts of this case.

20. On perusal of the records in each of the cases it is seen that except MVC.No.66/2002 and 68/2002 all other cases are filed under Section 163-A of the M.V.Act and the said MVC.No.66/2002 is challenged in MFA.No.31186/2010, 30413/2011 and MFA.Crob.No.1033/2010. Similarly the judgment and award passed in MVC.No.68/2002 are in appeal in MFA.No.31188/2010, 30425/2011 and Crob No.1040/2010.

21. Thus by considering the said appeals filed against the judgment and award passed in MVC.No.66 and 68/2002, the cause of accident will have to looked into whereas in rest of the cases which is filed under Section 163-A of the Act, the cause of accident basically need not be looked into.

22. In view of the above submission, the points that arise for consideration are :-

- 1) Whether the impugned judgment and award dated : 25-01-2010, passed in M.V.C.Nos.66 to 69, 71 to 86, 106 to 110, 114 and 115 all of the year 2002 on the file of M.A.C.T. No.VIII, Muddebihal, Dist. Bijapur, are liable to be modified ?
- 2) Whether the liability of the owner and insurer of both the vehicles is joint and several ?
- 3) Whether the dis-honour of the cheque issued by the insured to the insurer i.e., to New India Assurance Co. Ltd., in respect of Truck bearing Regn.No.DN-09-A-9020 will exonerate the liability of the said insurer ?
- 4) What Order ?

POINT NOS.1 TO 3 :-

23. As discussed above, M.V.C.No.66 and 68 of 2002 are filed by the respective claimants U/Sec.166 of M.V. Act

and rest of the claim petitions are filed U/Sec.163-A of M.V. Act.

24. The claimants in **M.V.C.No.66 of 2002**, filed the said claim petition U/Sec.166 of M.V. Act, claiming themselves as the legal representatives/the wife and parents of one deceased Tippanna, contending that the deceased Tippanna when he met with the accident, was aged about 28 years and was working as agricultural labourer with income of Rs.3,000/- per month and he was travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Tippanna.

25. The tribunal by considering the evidence led in by the parties, by taking the notional income of the deceased at Rs.3,000/- per month and considering the age as mentioned in PM report Ex.P-5 as 35 years, by deducting 1/3rd of the

said amount towards personal expenses of the deceased himself, by applying multiplier of 16, deemed it fit to award a sum of Rs.3,84,000/- (Rs.3000/- - Rs.1000/- = Rs.2000/- X 12 X 16) towards loss of dependency, which is just and proper.

26. With regard to the compensation awarded under other heads, the tribunal has awarded a sum of Rs.15,000/- in all towards loss of consortium to first claimant and loss of estate, funeral expenses etc, but, considering the year of accident, it is reasonable to award a sum of Rs.30,000/- in all towards the loss of consortium to wife, loss of love and affection, loss of estate, expenditure incurred for funeral and other obsequies etc., Thus the amount of compensation awarded is liable to be enhanced to Rs.4,14,000/- as against Rs.3,99,000/-, awarded by the tribunal.

27. **M.V.C.No.68 of 2002** is filed by the wife and mother of one Hanmantharaya, alleging that the said

Hanmantharaya, at the time when he met with accident, was aged about 35 years and was working as agricultural labour with an income of Rs.3,000/- per month; he was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Hanmantharaya.

28. The tribunal by considering the evidence led in by the parties, by taking the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-11 as 40 years, by deducting 1/3rd of the said amount towards personal expenses of the deceased himself, by applying multiplier of 15, deemed it fit to award a sum of Rs.3,60,000/- (Rs.3000/- – Rs.1000/- = Rs.2000/- X 12 X 15) towards loss of dependency, which is just and proper.

29. With regard to the compensation awarded under other heads, the tribunal has awarded a sum of Rs.15,000/- in all towards loss of consortium to first claimant and loss of estate, funeral expenses etc, but, considering the year of accident, it is reasonable to award a sum of Rs.30,000/- in all towards the loss of consortium to wife, loss of love and affection, loss of estate, expenditure incurred for funeral and obsequies etc., Thus the amount of compensation awarded is enhanced to Rs.3,90,000/- as against Rs.3,75,000/-, awarded by the tribunal.

30. Apart from those two claim petitions, rest of the claim petitions are filed by the respective claimant U/Sec.163-A of M.V. Act. Further, out of the remaining cases, **M.V.C.Nos.71, 74, 79, 80, 82, 83 and 84 of 2002** are filed by the legal representatives of the deceased who were all minors, i.e. they were aged 6 years in first two cases, two years, three years, two years, two years and five years respectively in other cases.

31. The learned counsel for the claimants/cross objectors in all these appeals relied upon the decision rendered in the case of *R.K. Malik and Another Vs. Kiran Pal and Others.*, reported in 2009 SAR (Civil) 818 . In the said decision, loss of dependency is calculated at notional income of Rs.15,000/- per annum and the multiplier 15 is applied to the children below 15 years of age and apart from the said amount mentioned U/Sec.163-A of M.V. Act, further sum of Rs.75,000/- towards non pecuniary damages and further sum of Rs.75,000/- towards future prospects is awarded and thus in all a sum of Rs.1,50,000 + Rs.75,000 + Rs.75,000 = Rs.3,00,000/- is awarded and submitted that the said decision is squarely applicable to the facts and circumstances of the present case.

32. Thus considering the age of the victim in all these cases as below 15 years and taking the notional income at Rs.15,000/- per annum, by deducting 1/3rd of the said income towards personal expenditure of the victim, the loss of

dependency, will have to be calculated at Rs.15,000/- Less Rs.5,000/- = Rs.10,000/- . As per the 2nd Schedule appropriate multiplier to be taken into consideration to the age group of below 15 years is 15 and in the circumstance, towards pecuniary loss, the claimants in all these cases are entitled to be compensated at Rs.1,50,000/-. In view of the decision relied upon by the learned counsel for the claimants/cross objectors in the said cases, the claimants are also entitled to be compensated towards non pecuniary damages, loss of future prospects to each of the victim. Thus a further sum of Rs.75,000/- is awarded towards non pecuniary damages and further sum of Rs.75,000/- is awarded towards loss of future prospects in all these cases and these claimants are thus compensated at Rs.3,00,000/- in each case.

33. Though the rest of the claim petitions are preferred U/Sec.163-A of M.V. Act, the tribunal has deemed it fit to consider the said petitions also as one U/Sec.166 of M.V. Act,

even the parties to the proceedings i.e. both the claimants and the respondents have proceeded with the case to be as one filed under Section 166 of M.V. Act.

34. In the decision reported in the case of **Sarla Verma and others Vs. Delhi Transport Corporation and another** reported in **2009 ACJ 1298**, with regard to the application of the second schedule, in case of 163-A of M.V. Act, it is observed as hereunder :

"17. The Motor Vehicles Act, 1988 was amended by Act 54 of 1994, inter alia, inserting section 163-A and the Second Schedule w.e.f. 14.11.1994, Section 163-A of the M.V. Act contains a special provision as to payment of compensation on structured formula basis, as indicated in the Second Schedule to the Act. The Second Schedule contains a Table prescribing the compensation to be awarded with reference to the age and income of the deceased. It specifies the amount of compensation to be awarded with reference to the annual income range of Rs.3,000 to Rs.40,000. It does not specify the quantum of compensation in case the annual income of the deceased is more than Rs.40,000. But, it provides the multiplier to be applied with reference to the age of the deceased. The Table starts with a multiplier of 15, goes upto 18, and then steadily comes down to 5. It also provides the standard deduction as one-third on account of personal living expenses of the

deceased. Therefore, where the application is under section 163-A of the Act, it is possible to calculate the compensation on the structured formula basis, even where compensation is not specified with reference to the annual income of the deceased, or is more than Rs.40,000, by applying the formula: $(2/3 \times A1 \times M)$, that is two-third of the annual income multiplied by the multiplier applicable to the age of the deceased would be the compensation. Several principles of tortious liability are excluded when the claim is under section 163-A of MV Act. There are, however, discrepancies/errors in the multiplier scale given in the Second Schedule Table. It prescribes a lesser compensation for the cases where a higher multiplier of 18 is applicable and a larger compensation with reference to cases where a lesser multiplier of 15, 16, or 17 is applicable. From the quantum of compensation specified in the Table, it is possible to infer that a clerical error has crept in the Schedule and the 'multiplier' figures got wrongly typed as 15, 16, 17, 18, 17, 16, 15, 13, 11, 8, 5 and 5 instead of 20, 19, 18, 17, 16, 15, 14, 12, 10, 8, 6 and 5. Another noticeable incongruity is, having prescribed the notional minimum income of non-earning persons as Rs.15,000 per annum, the Table prescribes the compensation payable even in between Rs.3,000 and Rs.12,000. This leads to an anomalous position in regard to application under section 163-A of MV Act, as the compensation will be higher in cases where the deceased was idle and not having any income, than in cases where the deceased was honestly earning an income ranging between Rs.3,000 and Rs.12,000 per annum. Be that as it may".

35. In the circumstance, in the second schedule enumerating the manner in which the compensation has to be paid U/Sec.163-A of M.V. Act is not conclusive and there are number of discrepancies as observed in the aforesaid decision rendered in the case of Sarla Verma .Vs. Delhi Transport Corporation. Thus, in view of such glaring discrepancies, multiplier and multiplicand is to be calculated separately rather than considering the amount mentioned in the said schedule.

36. **M.V.C.No.67 of 2002** is filed by the claimants, claiming themselves as the children, brother and husband of one Dyamavva, alleging that the said Dyamavva, at the time when she met with accident, was aged about 32 years and was working as agricultural labourer with an income of Rs.3,000/- per month. She was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, she suffered fatal injuries and died at the spot. In the

circumstance, they sought compensation on account of such untimely accidental death of said Smt.Dyamavva.

37. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-40 as 46 years, by deducting 1/4th of the said amount towards personal expenses of the deceased herself, by applying multiplier of 13, has deemed it fit to award a sum of Rs.3,51,000/- (Rs.3000/- less Rs.750/- = Rs.2250 X 12 X 15) towards loss of dependency, but, as the claim petition is preferred U/Sec.163-A of M.V. Act, the manner in which the amount is to be awarded is required to be in accordance with the second schedule.

38. In the circumstance, while considering the income at Rs.3,000/- per month, after giving deduction of 1/3rd of the same and taking Rs.2,000/- per month and considering the age of the deceased as 46 years by applying the multiplier 13, claimants are entitled to be compensated at Rs.3,12,000/-

(Rs.2000/- X 12 X 13). Besides, as per second schedule, they are also entitled to be compensated at Rs.10,000/- in all towards other conventional heads like funeral expenses, loss of consortium, loss of estate etc. Thus the claimants are entitled to Rs.3,22,000/-.

39. **M.V.C.No.69 of 2002** is filed by the claimants, claiming themselves as parents of one Devappa, contending that the said Devappa, when he met with the accident, was aged about 30 years and was also working as a agricultural labourer with an income of Rs.3,000/- per month. He was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Devappa.

40. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as

mentioned in PM report Ex.P-13 as 40 years, by deducting 1/3rd of the said amount towards personal expenses of the deceased himself, by applying multiplier of 15, has deemed it fit to award a sum of Rs.3,60,000/- (Rs.3000/- - Rs.1000/- = Rs.2000/- X 12 X 15) towards loss of dependency/pecuniary damages, but as per Schedule II multiplier is 16. Hence, towards loss of dependency, the claimants are entitled to be compensated at Rs.3,84,000/- (Rs.2000/- X 12 X 16). Further, with regard to loss of estate, the claimants being parents, it is reasonable to award Rs.10,000/- towards such conventional heads as contemplated under the Schedule II of the Act. Thus the claimants are entitled to be compensated at Rs.3,94,000/- as against Rs.3,70,000/- awarded by the tribunal and the said amount so awarded shall be disbursed in equal proportion between both the claimants.

41. **M.V.C.No.72 of 2002** is filed by the claimants, claiming themselves as parents-in-law of one Basamma, contending that the said Basamma, when she met with the

accident, was aged about 30 years and was also working as a agricultural labourer with an income of Rs.3,000/- per month; she was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, she suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Basamma.

42. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-17 as 30 years, by deducting 1/3rd of the said amount towards personal expenses of the deceased herself, by applying multiplier of 17, has deemed it fit to award a sum of Rs.4,08,000/- (Rs.3000/- - Rs.1000/- = Rs.2000/- X 12 X 17) towards loss of dependency/pecuniary damages. Further, it has awarded Rs.10,000/- towards funeral expenses and loss of estate and the said multiplier

applied at 17 is also the same as per Schedule II. As such, the same does not call for any interference and the said amount so awarded shall be disbursed in equal proportion between both the claimants.

43. **M.V.C.No.73 of 2002** is filed by the grand parents of deceased Parmanna, contending that the said Parmanna, when he met with the accident, was aged about 19 years and was also working as a agricultural labourer with an income of Rs.3,000/- per month. He was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Parmanna.

44. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-19 as 20 years, by deducting

1/3rd of the said amount towards personal expenses of the deceased himself, by applying multiplier of 18, has deemed it fit to award a sum of Rs.4,32,000/- (Rs.3000/- less Rs.1000/- = Rs.2000/- X 12 X 18) towards loss of dependency. But, in this case, it is seen that U/Sec.163-A of M.V. Act, by considering the age of the victim, the appropriate multiplier is 16. Thus the claimants are entitled to be compensated for pecuniary damages at Rs.3,84,000/- (Rs.2000 X 12 X 16), to which the claimants are entitled to a further amount of Rs.10,000/- under other conventional heads as numerated in 2nd schedule. Thus the claimants are entitled to be compensated at Rs.3,94,000/-. Accordingly, the amount of compensation awarded is liable to be reduced/modified and out of the sum so awarded, the same shall be disbursed to both the claimants equally.

45. **M.V.C.No.75/2002** is filed by the mother in law and daughter of one Hanamavva contending that the said Hanmavva, when she met with the accident, was aged about

28 years and was also working as a agricultural labourer with an income of Rs.3,000/- per month. She was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, she suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Hanmavva.

46. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-24 as 30 years, by deducting 1/3rd of the said amount towards personal expenses of the deceased himself, by applying multiplier of 17, has deemed it fit to award a sum of Rs.4,08,000/- (Rs.3000/- less Rs.1000/- = Rs.2,000 X 12 X 17) towards loss of dependency. In the 2nd schedule to the age group of 30 years, the proper multiplier is 18 and claimants are entitled to be compensated at Rs.3000 less Rs.1,000 X 12 X 18 = Rs.4,32,000/-, to which

a further sum of Rs.10,000/- is awarded towards further conventional heads. Thus the impugned award is liable to be modified by Rs.4,32,000/- as against Rs.4,08,000/-.

47. **M.V.C.No.76/2002** is filed by the mother and daughter of one Shivappa Chandappa Billar contending that the said Shivappa, when he met with the accident, was aged about 34 years and was also working as an agricultural labourer with an income of Rs.3,000/- per month. He was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Shivappa.

48. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-26 as 45 years, by deducting 1/3rd of the said amount towards personal expenses of the

deceased himself, by applying multiplier of 14, has deemed it fit to award a sum of Rs.3,46,000/- (Rs.3000/- less Rs.1000/- = Rs.2,000 X 12 X 14) towards loss of dependency. In the 2nd schedule to the age group of 45 years, the proper multiplier is 15 and claimants are entitled to be compensated at Rs.3000 less Rs.1,000 - Rs.2000/- X 12 X 15 = Rs.3,60,000/-, to which a further sum of Rs.10,000/- is awarded towards further conventional heads. Thus the impugned award is liable to be modified by awarding Rs.3,70,000/- as against Rs.3,46,000/-, awarded by the tribunal.

49. **M.V.C.No.77/2002** is filed by the children and brother of one Bhimanagouda Desaigouda Malipatil, contending that the said Bhimanagouda, when he met with the accident, was aged about 35 years and was also working as a agricultural labourer with an income of Rs.3,000/- per month. He was also travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to

Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they sought compensation on account of such untimely accidental death of said Bhimanagouda.

50. The tribunal by considering the evidence led in by the parties, by considering the notional income of the deceased at Rs.3,000/- per month and considering age as mentioned in PM report Ex.P-42 as 45 years. In this regard, the learned counsel for the claimants/cross objectors submit that the tribunal has considered the PM report of another person instead of considering the PM report of said deceased marked at Ex.P-50 and on perusal of the Ex.P-50, the age of the victim given as 40-years. On perusal of the records, it is also seen that Ex.P-423 pertains to Dyamanagouda, whereas Ex.P-53 pertains to Bhimanagouda. Thus the age of the deceased in this case will have to be held at 40-years. The tribunal in the absence of evidence, has taken the income at Rs.3,000/- per month notionally and by deducting 1/4th of

the said income, has taken Rs.2250/- as income per month, by applying multiplier of 14, awarded Rs.3,78,000/-, but, U/Sec.163-A of M.V. Act, as per 2nd schedule, for the age group of 40-years, the proper multiplier is 16. Thus the claimants are entitled to be compensated at Rs.3,000 less Rs.1,000 = Rs.2000 X 12 X 16 = Rs.3,84,000/-, to which, sum, they are entitled to be compensated under other conventional heads at Rs.10,000/- and thus they are entitled to be compensated at Rs.3,94,000/- as against Rs.3,93,000/- awarded by the tribunal.

51. Claimant in **M.V.C.No.78/2002**, filed the said claim petition, claiming themselves as the legal representatives i.e., the wife and son of one deceased Dyamanagouda S/o Desaigouda Malipatil, contending that the deceased Dyamanagouda when met with the accident, was aged about 35 years and he was working as agricultural labourer with an income of Rs.3,000/- per month and he was travelling in the said Mini Lorry bearing Regn.No.KA-28-A-

2171 along with goods from Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstance, they have sought compensation on account of such untimely accidental death of said Dyamanagouda. Though initially the petition was filed only by son, subsequently wife also impleaded.

52. The Tribunal, by considering the evidence let in by the parties, by considering the age of the victim as 45 years and considering the income of the deceased at Rs.3,000/- per month, by deducting half of the said amount towards personal expenses of the deceased himself, by applying multiplier of 14, has deemed it fit to award a sum of Rs.2,52,000/- (Rs.1,500/- x 12 x 14) towards loss of future earning and has awarded a sum of Rs.5,000/- towards loss of estate and Rs.5,000/- towards Funeral expenses. In all, the Tribunal has awarded compensation at Rs.2,62,000/-.

53. As per the Second Schedule of the Act, for the person aged about 45 years, the appropriate multiplier is '15'.

Thus, by considering the income at Rs.3,000/- and deducting 1/3rd of the same towards personal expenses, the claimant is entitled to be compensated towards pecuniary damages at Rs.3,60,000/- ($3,000 - 1,000 = 2,000 \times 12 \times 15$). Apart from the said amount, a further sum of Rs.10,000/- is awarded under the other conventional heads like funeral expenses, loss of consortium and loss of estate. Thus, the claimants are entitled to be compensated at Rs.3,70,000/- as against Rs.2,62,000/- as awarded by the Tribunal

54. Out of the said amount so awarded, Rs.2,50,000/- with proportionate interest is apportioned in favour of claimant No.1-wife and Rs.1,20,000/- with proportionate interest is apportioned in favour of claimant No.2-son of the deceased.

55. **M.V.C.No.81/2002** is filed by the claimant claiming himself as the husband of one deceased Devamma contending that the said Devamma, at the time when she met with accident, was aged about 20 years and was working as

agricultural labourer with an income of Rs.3,000/- per month; she was travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with her goods from Rayanapale to Ratnagiri and in the said accident, she suffered fatal injuries and died at the spot. In the circumstances, he has sought compensation on account of such untimely accidental death of said Devamma.

56. The Tribunal, by considering the evidence let in by the parties, by considering the age of the victim as 35 years as stated in the post mortem report marked as Ex.P28 and considering the income of the deceased at Rs.3,000/- per month, by deducting 1/3rd of the said amount towards personal expenses of the deceased herself, by applying multiplier of 16, has deemed it fit to award a sum of Rs.3,84,000/- (2,000/- x 12 x 16) towards loss of future earning and a sum of Rs.10,000/- towards loss of estate and funeral expenses respectively.

57. As per the Second Schedule of the Act, for the person aged 35 years, the appropriate multiplier is '17'. Thus, by considering the age of the victim as 35 years, the income at Rs.3,000/- and deducting 1/3rd of the same towards personal expenses, the claimant is entitled to be compensated at Rs.4,08,000/- ($3,000 - 1,000 = 2,000 \times 12 \times 17$). Apart from the said amount, a further sum of Rs.10,000/- is awarded under the other conventional heads like funeral expenses, loss of consortium and loss of estate. Thus, the claimant is entitled to be compensated at Rs.4,18,000/- as against Rs.3,94,000/- as awarded by the Tribunal.

58. **M.V.C.No.85/2002** is filed by the claimants claiming themselves as parents and son of one deceased Basanna contending that the said Basanna, at the time when he met with the accident, was aged about 28 years and was working as agricultural labourer with an income of Rs.3,000/- per month; he was travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from

Rayanapale to Ratnagiri and in the said accident, he suffered fatal injuries and died at the spot. In the circumstances, they sought compensation on account of such untimely accidental death of said Basanna.

59. The Tribunal, by considering the evidence let in by the parties, by considering the age of the victim as 35 years as evidenced by the post mortem report marked as Ex.P36 and assessing the notional income of the deceased at Rs.3,000/- per month, by deducting 1/3rd of the said amount towards personal expenses of the deceased himself and by applying multiplier of 16, has deemed it fit to award a sum of Rs.3,84,000/- (2,000/- x 12 x 16) towards loss of future earning and a sum of Rs.10,000/- towards loss of estate and funeral expenses respectively.

60. As per the Second Schedule of the Act, for the person aged about 35 years, the appropriate multiplier is '17'. Thus, by considering the age of the victim as 35 years and the income at Rs.3,000/- by deducting 1/3rd of the same towards

personal expenses, the claimants are entitled to be compensated at Rs.4,08,000/- ($3,000 - 1,000 = 2,000 \times 12 \times 17$). Apart from the said amount, a further sum of Rs.10,000/- is awarded under the other conventional heads like funeral expenses, loss of consortium and loss of estate. Thus, the claimants are entitled to be compensated at Rs.4,18,000/- as against Rs.3,94,000/- awarded by the Tribunal

61. **M.V.C.No.86/2002** is filed by the claimants claiming themselves as parent-in-laws and son of one deceased Neelamma alleging that the said Neelamma, at the time when she met with the accident, was aged about 25 years and was working as agricultural labourer with an income of Rs.3,000/- per month; she was travelling in the said Mini Lorry bearing Regn.No.KA-28-A-2171 along with goods from Rayanapale to Ratnagiri and in the said accident, she suffered fatal injuries and died at the spot. In the circumstances, they sought compensation on account of such untimely accidental death of said Neelamma.

62. The Tribunal, by considering the evidence let in by the parties, by considering the age of the victim as 25 years as evidenced by the post mortem report marked as Ex.P38 and assessing the notional income of the deceased at Rs.3,000/- per month, by deducting 1/3rd of the said amount towards personal expenses of the deceased herself, by applying multiplier of 18, has deemed it fit to award a sum of Rs.4,32,000/- (2,000/- x 12 x 18) towards loss of future earning and a sum of Rs.10,000 towards loss of estate and funeral expenses. In all, it has awarded a sum Rs.4,42,000/- towards pecuniary damages.

63. As per the Second Schedule of the Act, for the person aged about 25 years, the appropriate multiplier is '17'. Thus, by considering the age of the victim as 25 years and considering the income at Rs.3,000/- by deducting 1/3rd of the same towards personal expenses, the claimants are entitled to be compensated at Rs.4,08,000/- (3,000-1,000=2,000x12x17). Apart from the said amount a further

sum of Rs.10,000/- is awarded under the other conventional heads like funeral expenses, loss of consortium and loss of estate. Thus, the claimants are entitled to be compensated at Rs.4,18,000/- as against Rs.4,42,000/- as awarded by the Tribunal

64. Thus in all the cases referred to supra, the respective impugned judgement and award are liable to be modified with regard to the quantum of compensation awarded.

65. The other cases filed by the injured persons i.e., **MVC No.106/2002**, pending in MFA No.31206/2010 clubbed with MFA No.31457/2011 and Cross Objection No.1052/2010, **MVC No.108/2002** pending in MFA No.31208/2010 clubbed with MFA No.30459/2011 and Cross Objection No.1053/2010 and **MVC No.109/2002** pending in MFA No.31209/2010 clubbed with MFA No.30460/2011 and Cross Objection No.1054/2010 are the remaining three cases wherein the claimants were injured in the said accident.

66. In all these cases, it is the case of the injured claimants that in the said accident, they suffered grievous injuries, but, none of them have chosen to examine the doctor, who treated them or the doctor, who assessed their disability and in the circumstances, the Tribunal has deemed it fit to award a sum of Rs.31,000/- Rs.47,000/- and Rs.32,000/- respectively, which amount in the facts and circumstances of the cases and that too considering the evidence let in by the respective claimant is proper and does not call for any interference.

67. Apart from the five cases so pending in two appeals and one cross objection, there is another appeal pending disposal in MFA No.30458/2011 filed by the New India Assurance Company Limited against the judgment and award passed in **MVC No.107/2002**. The appeal filed by the United India Insurance Company Limited is dismissed as not maintainable. However, in the said case also, the Tribunal on considering the evidence so let in and for the fact that the

claimant suffered only two simple injuries, has deemed it fit to award a sum of Rs.8,000/- which is also just and proper.

68. Similarly, with regard to **MVC No.110/2002** filed by another injured, which is pending in MFA No.30461/2011 preferred by United India Assurance Company Limited, the Tribunal, by considering the evidence that the injured claimant suffered only two simple injuries, has deemed it fit to award a sum of Rs.8,000/- as compensation, which amount is also just and proper.

69. Likewise, the claimant in **MVC No.115/2002** has filed the said claim petition seeking compensation alleging that in the said accident, he also suffered injuries and the Tribunal has deemed it fit to award a sum of Rs.7,000/- as compensation against which the New India Assurance Company Limited has preferred the appeal and the same is pending disposal in MFA No.30465/2011.

70. Considering the facts of the case that the injured suffered only simple injuries, the Tribunal has awarded only Rs.7,000/- as compensation which amount is also just and proper in the facts and circumstances of the case.

71. In these appeals where injured are the parties, the impugned judgement and award with regard to the quantum of compensation awarded does not call for interference.

72. Having held the entitlement of the claimants to compensation as discussed supra, now to consider the liability of the respondents to pay the said compensation, considering the rival contentions urged by the owners and insurer of two different vehicles, what is to be considered is whether the claimants in the circumstances of the cases can claim the said amount contending that the said accident occurred on account of composite negligence of the drivers of both the vehicles or whether the claimants are entitled to be compensated in proportion to the percentage of negligence on the part of each of the drivers.

73. No doubt, in the petitions filed under Section 163A of the Act, the proposition need not be looked into and the claimants are at liberty to choose any one of the tort feasors / owner and insurer of any of the vehicle or all to realise the compensation so awarded. With regard to the petition filed under Section 166 of the Act, there should be finding with regard to whether the claimants are entitled to claim compensation contending that the accident occurred on account of composite negligence and the liability of the tortfeasors is joint and several.

74. In the decision rendered in the case of *KARNATAKA STATE ROAD TRANSPORT CORPORATION, BY ITS MANAGING DIRECTOR VS. ARUN @ ARAVIND AND OTHERS reported in ILR 2004 Kar. 26* it is observed as hereunder:

“(A) MOTOR VEHICLES ACT, 1988 (CENTRAL ACT NO.59/88 – SECTION 168(1) – Composite Negligence – Accident occurring – Two or more vehicles involved – Compensation can be recovered by claimants from any one of the joint tort feasors – Compensation awarded cannot be reduced for non-impleading of the

other Joint-Feasors – The decision in Ganesh's case (ILR 1999 KAR 403) does not require reconsideration.”

75. In the decision reported in the said case of GANESH -vs- SYED MUNNED AHAMED & OTHERS (ILR 1999 KAR 403) wherein similar questions were referred to the Full Bench, by majority it is held as hereunder:

“23. Therefore, in conclusion, in so far as the first question referred to the Full Bench by the Division Bench is concerned, my answer is that in the case of a motor vehicle accident caused due to the composite negligence of the drivers of two or more vehicles, the person who is injured or the legal representatives of a person who is killed in such an accident, are entitled to claim the entire compensation from all or any of the drivers, owners and insurers of the vehicle.” (emphasis supplied).

76. In another decision rendered in RAMA BAI @ MEENAKSHI -VS- MUKUNDA KAMATH reported in ILR 1986 KAR 48 it is observed has hereunder:

“Where a person is injured without any negligence on his part but as a combined effect of the negligence of two other persons, it is not a case of contributory negligence but is a case of composite negligence. The question of contributory negligence would arise where the plaintiff by his own conduct

also had contributed to the negligence. But, if the claimant is injured as a result of the negligence two wrongdoers, it is a case of composite negligence but not a case of contributory negligence. In composite negligence, wrongdoers are other than the injured or the deceased person and he does not contribute to the events leading to the accident which results in injuries or even death.” (emphasis supplied)

77. Admittedly the decisions rendered in the case of KSRT CORPORATION & OTHERS -vs- ARUN @ ARAVIND & OTHERS (ILR 2004 KAR 26) and GANESH -vs- SYED MUNNED AHAMED & OTHERS (ILR 1999 KAR 403) are rendered by the Full Bench of this Court on reference and in both the judgments, it is held that when two or more vehicles are involved and the accident has occurred on account of contributory negligence of the drivers of such vehicles, the claimants who are not the wrong doers can seek to recover the compensation from either from one or all of them, as liability of the said joint tortfeasors to compensate is joint and several.

78. In the decision relied upon by the learned Counsel for the appellant/insurer in the case of NASREEN BHANU &

OTHERS ASSISTANT DIVISION MANAGER, NEW INDIA ASSURANCE COMPANY LIMITED & ANOTHER reported in 2009 ACJ 1906 with regard to the said two decisions rendered by the Division Bench, it is observed as hereunder:

"26. Learned Counsel for the claimants, i.e., L.Rs., of pillion rider relies on a Full Bench judgment reported in Karnataka State Road Trans. Corpn. V. Arun, 2004 ACJ 249 (Karnataka). This case refers to earlier Full Bench decision in Ganesh v. Syed Munned Ahamed, 2000 ACJ 1463 (Karnataka). In Arun's case (supra), the details of other vehicle was not available and, therefore, the other joint tortfeasor was not made a party. In the present case, right from the beginning, L.Rs., of pillion rider were aware of whose motor cycle deceased was proceeding as the pillion rider and met with his death. In that view of the matter, in the light of insurer taking a specific contention that the rider of motor cycle was solely responsible for the occurrence of the accident, they ought to have made efforts to see that the other insurer and insured were also made parties to the proceedings. Even otherwise, owner of the motor cycle is the rider Yunus who died in the accident. His L.Rs., are already on record. At the instance of both the L.Rs., both the petitions were clubbed together by recording common evidence and disposed of by a common order. Therefore, the facts available before us and the peculiar circumstances in which this court has to go into the question of contributory negligence of the rider of motor cycle so as to quantify the contributory negligence of the rider, according to us, Arun's case referred to above does not apply to the facts of the present case. Therefore, for the negligence of the rider of motor

cycle whose owner and insurer is not before us, we cannot fasten the liability to the insurer of the lorry. Therefore, 25 per cent from the loss of dependency even in the case of pillion rider deserved to be deducted."

79. Thus though, for not considering the decisions rendered by the Full Bench in two references, reasons are given, in the light of the two decisions rendered by the Full Bench, the judgment rendered by the Division Bench cannot become precedent.

80. Further it is to be seen that irrespective of whether the details of the owner and insurer of the other vehicle is found or otherwise, when the liberty vests with the claimants to chose as to against whom they have to proceed, the knowledge of the ownership of the vehicles involved in the accident etc., is of not much relevance in these appeals.

81. In the decision rendered by the Full Bench in GANESH-vs- SYED MUNNED AHAMED & OTHERS (ILR 1999 KAR 403) while explaining the difference between contributory and composite negligence, discussion is made in

the light of the contents in the Book Torts by Clerk and Lindsell, 14th Edition at page 112. For reference, the same is excerpted hereunder:

“Where damage is caused as the result of torts committed by two or more tort feasors the tort feasors may be (1) joint tort feasors, (2) several tort feasors causing the same damage or (3) several tort feasors causing different damage. If one of a number of joint tort-feasors, or of several tort-feasors causing the same damage, is sued alone, he is liable for the whole damage, though he did but a small part of it. In the case of several tort-feasors causing different damage. On the other hand, each is liable only for the damage which he has caused. (emphasis supplied)”

82. Thus in the instant cases also as the resultant effect of the accident is one and the same and indivisible, all the joint tort feasors are liable jointly and severally.

83. Further, in all the cases, the claimants are either legal representatives of the person, who was travelling in the mini lorry or claimants who are injured and none of them was the driver of the vehicle in question. Hence the victims in the accident including the injured persons were not the driver of the vehicle, which met with the accident and there is no

contribution of the victims to any extent in causing the accident. In the circumstance, in relation to the claimants, in all these cases, it is to be held that the accident occurred on account of composite negligence of the drivers of both the vehicles, in which event, as per full bench decision reported in ILR 2004 P-26 and also reported in ILR 1999 KARNATAKA P-403, it is open for the claimants to choose any one of the tortfeasors from whom, they can recover the compensation.

84. With regard to the submissions made by the counsel for the owner and insurer of the Mini Lorry bearing Regn.No.KA-28-A-2171 that the alleged accident did not occur on account of any rashness or negligence on the part of the driver of the said mini lorry it is seen that the Tribunal, on considering the entire evidence placed on record has deemed it fit to fix the liability on the owner and insurer of the said Mini Lorry at 30%.

85. In that regard, as already discussed supra, the learned counsel appearing for the insurer of the Truck

bearing Regn.No.DN-09/A-9020 submitted that as two vehicles are involved in the accident and it was the head on collision case, the liability should be apportioned in equal proportion of 50 : 50.

86. Further, as submitted by the learned counsel for the owner of the Mini Lorry, it is seen that the report of the Motor Vehicle Inspector clearly shows that the Mini Lorry was not damaged on the front portion and it was damaged only on its side, whereas the Truck bearing Regn.No.DN-09/A-9020 was exclusively damaged on the front portion.

87. In the circumstances, such submission of the learned counsel for the insurer of the truck that 50% of the liability should be fixed on the owner and insurer of other vehicle cannot be accepted. However, the reasoning given by the Tribunal for fixing the liability of 30% on the owner of the Mini Lorry bearing Regn.No.KA-28-A-2171 is proper and the same does not call for interference.

88. However, with regard to the liability of the insurer of the Mini Lorry bearing Regn.No.KA-28-A-2171, it is seen

that admittedly, the said vehicle was a Mini Lorry and the terms and conditions of the policy never permitted to carry so many persons whether with the goods or without the goods.

89. In the circumstances, *prim-facie*, it is seen that there is clear violation of the terms and conditions of the policy and as such the said Insurance Company viz., United India Insurance Company Limited is entitled to be absolved of its liability to indemnify the owner of the Mini Lorry.

90. With regard to the liability of the New India Assurance Company Limited apportioned by the Tribunal at 70%, it is seen that it is the case of the said insurer that the cheque issued by the owner of the vehicle while taking the policy was dishonored and as such the said policy was subsequently cancelled.

91. In that regard, on perusal of the records of the Tribunal it is seen that though the insurer has contended that on account of dishonor of the cheque the policy was

cancelled, there is no proper cancellation carried out as per the procedure, inasmuch as, the witness examined on behalf of the insurer never deposed anything with regard to the acknowledgment of the cancellation by the owner of the vehicle. On the other hand, RW.3 has deposed that the policy was cancelled due to dishonor of cheque, the same was intimated to the insurer by registered post; respondent No.2 issued the policy subject to realisation of the cheque and as such as on the date of accident i.e., on 02.11.2002, the vehicle bearing Regn.No.DN-09/A-9020 was not covered under the said policy. However, though he has so deposed, he has not produced any documents in proof of due service of cancellation of the policy. During his further examination-in-chief, he deposed that he has filed true copy of the cheque and also the acknowledgment received with regard to dishonoring of the same and has got marked the same as Exs.P3 and P4. Further, he has also got marked the copy of the letter addressed to the owner of the vehicle and to the R.T.O. as Exs.R5 and R6, but, has not chosen to file any

acknowledgment in proof of the said cancellation being communicated to the owner in accordance with the procedure.

92. In the circumstances, the said insurer has chosen to file Misc.Cvl.No.151390/2011 under Order 41 Rule 27 read with Section 151 of CPC seeking permission to produce the documents annexed with the said application.

93. On perusal of the documents sought to be produced it is seen that document No.1 is the copy of the letter addressed by the Manager of the New India Assurance Company Limited, Bangalore Regional Office, to the Senior Divisional Manager, the New India Assurance Company Limited, Sakinak, Mumbai, requesting the addressee to send the additional evidence to challenge the liability at High Court of Karnataka within ten days and the said letter is dated 13.08.2010.

94. The 2nd document is the Xerox copy of the letter addressed by Regional Office of the New India Assurance Company Limited, Bangalore to Divisional Manager of the said Insurance Company at Gulbarga. Under the said letter, a letter received from the Bombay Office is enclosed. The copy of the said letter so enclosed is also addressed from the Bombay Office to Bangalore stating that with regard to the notice sent to the Insured and R.T.O. regarding the dishonor of the cheque and cancellation of the policy, they are to inform that the files containing the acknowledgment cards for the period from April 2000 to March 2004 and also the dispatch register for the period were kept in the basement of building and during the 2005 Mumbai Floods this record was washed away and therefore, they are not in position to submit the acknowledgement before the Court and advice the Advocate/Court accordingly. Further it is also stated that as per the suggestion, they had been to the RTO's office, where they met the incharge officer who informed them that the

records are maintained only for four years and later destroyed.

95. In the circumstances, even if the said insurer is permitted to produce the said records the same is of no consequence to improve the case of the said insurer to establish the cancellation of the policy as contended to by it. Accordingly, the said Misc.Cvl. No.151390/2011 is dismissed.

96. No doubt, along with said letters, the said insurer has filed xerox copy of list of addresses and couriers, but, the same also does not disclose anything with regard to service of the cancellation letter on the owner of the vehicle. In the circumstances, it is to be held that the insurer failed to establish that the policy was duly cancelled, in which event if at all the cheque is dishonoured, the remedy open to the insurer is to go against the owner of the vehicle to recover the said amount and it cannot contend that it is not liable to indemnify the owner.

97. Thus, the impugned judgment and award are modified with regard to quantum of compensation in the cases filed by the legal representative of the deceased victims expect in MVC No.72/2002.

98. The impugned judgment and award passed in MVC cases filed by the injured with regard to the quantum of compensation awarded remains unaltered.

99. All the MVC cases filed as against the insurer of the mini lorry namely M/s United India Insurance Company Limited are dismissed and the owner of the said mini lorry viz., Maheboob S/o Kasimsab Kasab is held liable to pay the compensation jointly and severally along with other respondents and accordingly all the Miscellaneous First Appeals filed by M/s United India Insurance Company Limited are allowed.

100. Its further held to the insurer of the truck bearing Registration No.DN-09-A-9020 viz., M/s New India Assurance

Company Limited is held liable to indemnify the owner of the said truck. All the appeals filed by the New India Assurance Company Limited are liable to be dismissed. Hence, the following:-

ORDER

The appeals filed by United India Insurance Company Ltd., in MFA.Nos. 31186 of 2010, 31187 of 2010, 31188 of 2010, 31189 of 2010, 31190 of 2010, 31191 of 2010, 31192 of 2010, 31193 of 2010, 31194 of 2010, 31195 of 2010, 31196 of 2010, 31197 of 2010, 31198 of 2010, 31199 of 2010, 31200 of 2010, 31201 of 2010, 31202 of 2010, 31203 of 2010, 31204 of 2010, 31205 of 2010, 31206 of 2010, 31208 of 2010 and 31209 of 2010 are allowed and all the respective claim petition filed are dismissed as against the said United India Insurance Company Ltd., who is arrayed as respondent No.6 in MVC cases before the tribunal. Consequently, the liability of the said appellant – insurance company to indemnify the owner of the mini lorry bearing registration No.KA-28/A-2171 is exonerated.

The appeals filed by New India Assurance Company Ltd., in MFA Nos.30413 of 2011, 30414 of 2011, 30425 of 2011, 30426 of 2011, 30427 of 2011, 30428 of 2011, 30429 of 2011, 30430 of 2011, 30431 of 2011, 30432 of 2011, 30438 of 2011, 30439 of 2011, 30440 of 2011, 30450 of 2011, 30451 of 2011, 30452 of 2011, 30453 of 2011, 30454 of 2011, 30455 of 2011 30456 of 2011, 30457 of 2011, 30458 of 2011, 30459 of 2011, 30460 of 2011, 30461 of 2011 and 30465 of 2011 are dismissed.

The claimants in all the cases are entitled to recover the amount as awarded herein from the owner – insurer of the truck bearing registration No.Dn-09/A-9020 and the owner of Mini Lorry bearing registration No.KA-28/A-2171, and their liability is joint and several. However, the owner of the truck bearing registration No.DN-09/A-9020, is entitled to be indemnified by its insurer viz., the respondent No.2 in the claim petition (New India Assurance Co. Ltd.).

The cross objections filed by the claimants in Crob Nos. 1033 of 2010, 1039 of 2010, 1040 of 2010, 1038 of 2010, 1037 of 2010, 1035 of 2010, 1034 of 2010, 1055 of 2010, 1041 of 2010, 1042 of 2010, 1043 of 2010, 1044 of 2010, 1045 of 2010, 1046 of 2010, 1047 of 2010, 1048 of 2010, 1049 of 2010, 1049 of 2010, 1050 of 2010, 1056 of 2010, 1052 of 2010, 1053 of 2010 and 1054 of 2010 are allowed and accordingly the impugned judgment passed in respective MVC cases are modified as hereunder;

- i) The judgment and award passed in MVC No.66/2002 is modified by awarding Rs.4,14,000/- as against Rs.3,99,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- ii) The judgment and award passed in MVC No.67/2002 is modified by awarding Rs.3,22,000/- as against Rs.3,61,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- iii) The judgment and award passed in MVC No.68/2002 is modified by awarding Rs.3,90,000/- as against Rs.3,75,000/- awarded

by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.

- iv) The judgment and award passed in MVC No.69/2002 is modified by awarding Rs.3,94,000/- as against Rs.3,70,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- v) The judgment and award passed in MVC No.71/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- vi) The judgment and award passed in MVC No.72/2002 is stands confirmed with regard to quantum of compensation awarded by the tribunal.
- vii) The judgment and award passed in MVC No.73/2002 is modified by awarding Rs.3,94,000/- as against Rs.4,42,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- viii) The judgment and award passed in MVC No.74/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded

by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.

- ix) The judgment and award passed in MVC No.75/2002 is modified by awarding Rs.4,32,000/- as against Rs.4,18,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- x) The judgment and award passed in MVC No.76/2002 is modified by awarding Rs.3,70,000/- as against Rs.3,46,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xi) The judgment and award passed in MVC No.77/2002 is modified by awarding Rs.3,94,000/- as against Rs.3,93,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xii) The judgment and award passed in MVC No.78/2002 is modified by awarding Rs.3,70,000/- as against Rs.2,62,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xiii) The judgment and award passed in MVC No.79/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded

by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.

- xiv) The judgment and award passed in MVC No.80/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xv) The judgment and award passed in MVC No.81/2002 is modified by awarding Rs.4,18,000/- as against Rs.3,94,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xvi) The judgment and award passed in MVC No.82/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xvii) The judgment and award passed in MVC No.83/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xviii) The judgment and award passed in MVC No.84/2002 is modified by awarding Rs.3,00,000/- as against Rs.1,50,000/- awarded

by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.

- xix) The judgment and award passed in MVC No.85/2002 is modified by awarding Rs.4,18,000/- as against Rs.3,94,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xx) The judgment and award passed in MVC No.86/2002 is modified by awarding Rs.4,18,000/- as against Rs.4,42,000/- awarded by the tribunal, with interest at the rate of 6% p.a., from the date of petition till realisation.
- xxi) The judgment and award passed in MVC Nos.106/2002, 107/2002, 108/2002, 109/2002, 110/2002 and 115/2002 stands confirmed with regard to quantum of compensation awarded by the tribunal.

Cross objections filed in MFA Crob.No.1036/2010 is hereby dismissed.

The apportionment of the amount awarded between the claimants in all the cases is as per the order of the Tribunal

except in MVC 78/2002 and in MVC 78/2002 the apportionment shall be as observed in the judgment.

Respondent – The New India Assurance Company Ltd., is directed to deposit the amount so awarded within eight weeks from the date of receipt of copy of this order.

**Sd/-
JUDGE**

LG/MSR/SGS