

IN THE HIGH COURT OF KARNATAKA

GULBARGA BENCH

ON THE 27TH DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR. JUSTICE RAVI MALIMATH

M.F.A. NO.31573/2013 (MV)

BETWEEN

THE BRANCH MANAGER
THE NATIONAL INSURANCE CO.LTD.
BRANCH OFFICE, NEAR GANDHI CIRCLE,
RAICHUR-584101
(NOW, REPRESENTED
THROUGH MANAGER,
NATIONAL INSURANCE CO.LTD.,
D.O GULBARGA)

... APPELLANT

(BY SMT : PREETI PATIL MELKUNDI, ADV.)

AND

1. SHAIK FAISAL
S/O SHAIK OMAR
MINOR, OCC. STUDENT, IN VTH STD.
U/G OF HIS NATURAL FATHER
SHAIK OMAR S/O SHAIK FARID,
AGE:42 YRS, OCC. EMPLOYEE,
IN GESCOM R/O H. NO. 12-12-23,
ARAB MOHALLA, BEHIND EADGAH
RAICHUR-584101
2. VIJAY S/O GANAPPA
AGE : 30 YEARS, OCC. DRIVER OF
MARUTI SUZUKI ALFA CAR

BEARING ENGINE NO. K10 BN 4296498
& CHASSIS NO. MA3EADEIS00235211
R/O KALAMALA -584136
NOW AT NINALINGAPPA COLONY
RAICHUR-584101

3. MARESHAPPA S/O HUSENAPPA
AGE : MAJOR, OCC. OWNER OF
ABOVE MARUTI VEHICLE,
R/O H. NO. 2-249, KALAMA
SIRWAR ROAD,
RAICHUR584101

... RESPONDENTS

(BY SRI BASAVARAJ R. MATH, ADV FOR R1 & R2)

THIS MFA FILED U/S. 173(1) OF THE MV ACT, AGAINST
THE JUDGMENT AND AWARD DATED 14.03.2013 PASSED IN
MVC NO. 325/2012 ON THE FILE OF THE M.A.C.T. (FTC-I) AT
RAICHUR, PARTLY ALLOWING THE CLAIM PETITION AND
AWARDING THE COMPENSATION OF AMOUNT OF RS. 25,000/-
WITH INTEREST @ 6% P.A.

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

JUDGMENT

Aggrieved by the Judgment and award of the
Tribunal granting Rs.25,000/- along with interest as
compensation to the claimant, the insurer has filed this

appeal questioning the quantum and the liability to satisfy the award.

2. Even though the amount awarded is a paltry sum, the learned counsel for the appellant contends that it is a question of liability and hence the quantum awarded should be overlooked.

3. A limit of Rs.10,000/- has been postulated in terms of Section 173(2) of the Motor Vehicle Act, 1988. No appeal would lie where the subject matter in dispute is less than Rs.10,000/-. Even otherwise in terms of the Act, the minimum compensation to be granted would be Rs.50,000/- even in a case of dispute on liability. The Act was promulgated in the year 1988. We are presently in the year 2014. The limit has remained. If the value of money is to be applied, then it is just and proper that the Court should refrain from interfering purely on the question of quantum.

4. Hence, without going into the question of liability, in view of a paltry sum being awarded, the appeal is dismissed.

The amount in deposit, if any, be transmitted to the Tribunal for necessary orders.

**Sd/-
JUDGE**

LG