

IN THE HIGH COURT OF KARNATAKA

GULBARGA BENCH

ON THE 27<sup>TH</sup> DAY OF AUGUST, 2014

BEFORE

THE HON'BLE MR. JUSTICE RAVI MALIMATH

M.F.A. NO.31577/2012 (MV)

BETWEEN

BRANCH MANAGER,  
UNITED INDIA INSURANCE COMPANY LIMITED,  
BIJAPUR, POLICY NO.241001/31/02/00000847,  
VALID FROM 12.8.09 TO 11.5.10 (FULL PERIOD OF  
INSURANCE IS 12.5.09 TO 11.5.10),  
NOW REPRESENTED BY ITS  
DIVISIONAL MANAGER, BIJAPUR – 586 101.

... APPELLANT

(BY SMT. SUMITRA H, ADV.)

AND

1. GOURAWWA  
D/O BHIMAPPA JANGAMSHETTI,  
AGE: 09 YEARS, OCC: STUDENT,  
M/G BY BHIMAPPA  
S/O REVANAPPA JANGAMSHETTI,  
AGE: 50 YEARS, OCC: COOLIE,  
R/O BABALESHWAR, TQ. & DIST. BIJAPUR.
2. IRANNA S/O SIDAGONDAPPA KOPPAD,  
AGE: MAJOR, OCC: BUSINESS,  
R/O A/P. YAKKUNDI,  
TQ. & DIST: BIJAPUR – 586 101.
3. DEEPAK I KALYANI,  
AGE: MAJOR, OCC: BUSINESS,

R/O PANSHETTI GALLI, JAMKHANDI,  
DIST. BAGALKOT – 587 101.

4. UDAY S/O SHISHNAJI KULKARNI,  
AGE: MAJOR, OCC: BUSINESS,  
R/O SABADE GALLI, JAMKHANDI,  
TQ. JAMKHANDI,  
DIST. BAGALKOT – 587 101.

... RESPONDENTS

(SRI. SANGANABASAVA B. PATIL, ADV. FOR R1;  
R4 - SERVED & UNREPRESENTED)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 31.03.2012 PASSED IN MVC NO.889/2010 ON THE FILE OF THE MOTOR ACCIDENT CLAIMS TRIBUNAL NO.XII, BIJAPUR, PARTLY ALLOWING THE CLAIM PETITION AND AWARDED COMPENSATION OF RS.75,000/- WITH INTEREST AT 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.75,000/- 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