

**IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH**

DATED THIS THE 31ST DAY OF OCTOBER 2017

BEFORE

THE HON'BLE MR. JUSTICE B.A. PATIL

M.F.A.NO.103910/2016 (MV)

BETWEEN:

THE DIVISIONAL MANAGER,
ORIENTAL INSURANCE COMPANY LIMITED,
PRIYADARSHINI COMPLEX, STATION ROAD,
5TH WARD, HOSAPETE,
REPRESENTED BY ITS
AUTHORISED SIGNATORY
DEPUTY MANAGER.

... APPELLANT

(BY SRI. SHARNAPPA S KOLIWAD, ADVOCATE)

AND

1. KANIEMAPPA S/O. LATE THIMMAPPA,
AGED: 42 YEARS, OCC: BAILDAR,
R/O: PATEL NAGAR,
4TH CROSS, HOSAPETE,
DIST BALLARI-583201.
2. ASPAKH BEPARI
S/O MAHAMMAD USAIN,
AGE: 22 YEARS, OCC: DRIVER,
R/O: RAJAPUTT ONI, APMC YARD,
INDI ROAD, VIJAYAPURA,
VIJAYAPURA TALUK & DISTRICT, 586112,
(DRIVER OF BOLERO PIC-UP CAB
BEARING NO.KA-28/B-4272)
3. MUNAF PATAYATH,
S/O MUBARAQ PATAYATH,
AGE: 36 YEARS, OCC: BUSINESS,

R/O: MANJUNATH NAGAR,
DARGHA JAIL ROAD, VIJAYAPURA,
TQ: DIST: VIJAYAPURA – 586113,
(OWNER OF BOLERO PIC-UP CAB
BEARING NO.KA-28/B-4272)

4. GOPI S/O LATE GOVINDAPPA,
AGE: 25 YEARS, OCC: DRIVER,
R/O: PATEL NAGAR, HOSAPETE,
DIST: BALLARI- 583201.
5. JAYAPRAKASH S/O ALEXANDER,
AGE: 32 YEARS,
R/O: VIDYANAGARA,
AKSHAYA COLONY,
BALLARI ROAD, HOSAPETE,
DIST: BALLARI - 583201.
6. THE DIVISIONAL MANAGER,
RELIANCE GENERAL INSURANCE
COMPANY LIMITED,
NO.40 PARVATHI NAGAR,
MAIN ROAD, BALLARI - 583201.

... RESPONDENTS

(BY SRI.G N RAICHUR, ADVOCATE FOR R6)

THIS MFA IS FILED U/SEC.173(1) OF MV ACT 1988,
AGAINST JUDGMENT AND AWARD DATED 15.09.2016, PASSED
IN MVC.NO.355/2014 ON THE FILE OF THE PRINCIPAL SENIOR
CIVIL JUDGE & J.M.F.C., CUM-MEMBER M.A.C.T.-VI,
HOSAPETE, AWARDING THE COMPENSATION OF RS.10,000/-
WITH INTEREST AT 7% P.A. FROM THE DATE OF PETITION TILL
ITS REALISATION.

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

JUDGMENT

The present appeal has been preferred by the appellant-insurer being aggrieved by the judgment and award passed by the Principal Senior Civil Judge cum M.A.C.T.-IV Hosapete in MVC No. 355/2014 dated 15.09.2016.

2. After considering the facts and circumstances, the tribunal allowed the petition and awarded compensation of Rs.10,000/- with 7% p.a. and the liability of the insurer is 50% of the award amount i.e. Rs.5,000/-.

3. In view of the provisions of section 173(2) of the M.V. Act, no appeal shall lie against any award of the claims tribunal if the amount in dispute in the appeal is less than Rs.10,000/-. Admittedly, in the instant case on hand, the liability of the insurer is only to the extent of Rs.5,000/- and as such, the appeal is not maintainable in law. Accordingly, appeal is dismissed as not maintainable.

4. However, the order passed by this court in this appeal will not come in the way of disposal of other connected appeals on merits.

5. Registry is directed to transmit the amount in deposit to the jurisdictional tribunal for disbursement of the same in accordance with law, forthwith.

**Sd/-
JUDGE**

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