

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 28<sup>TH</sup> DAY OF MARCH, 2018

BEFORE

THE HON'BLE MR. JUSTICE N.K. SUDHINDRARAO

M.F.A.No.3687/2012(MV)

**BETWEEN:**

MUSTHAQEEM FAZIL  
S/O S M FAZIL  
AGED ABOUT 26 YEARS  
R/A No.6, III CROSS  
APPAJAPPA LAYOUT, SHAMPUR ROAD  
ARABIC COLLEGE POST  
BENGALURU – 560 045.

...APPELLANT

(BY SRI R CHANDRSHEKARA, ADVOCATE  
FOR M/s.LAWYERS NET – ABSENT)

**AND:**

1. R RAMASWAMY  
S/O RAJU,  
R/AT No.96/1  
JYOTHI NAGAR  
NAYANDAHALLI POST  
MYSORE ROAD, BENGALURU – 560 039.
2. ICICI LOMBARD GENERAL  
INSURANCE CO. LTD.,  
SVR COMPLEX, II FLOOR  
No.89, HOSUR ROAD  
MADIVALA, BENGALURU – 560 068.  
REP:BY MANAGER.

...RESPONDENTS

(R1 IS SERVED  
SRI H N KESHA PRASHANTH, ADVOCATE  
FOR R-2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:02.07.2011 PASSED IN MVC No.6142/2008 ON THE FILE OF VI ADDITIONAL JUDGE, COURT OF SMALL CAUSES, MEMBER, MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

### **JUDGMENT**

Learned counsel for appellant absent. No representation. Appeal is of the year 2012 and taken up for final disposal by perusing the records available in the case file.

2. Appeal is directed against the Judgment and award dated 02.07.2011 passed in MVC No.6142/2008 by the learned Member, MACT, Court of Small Causes, Bengaluru.

3. It is stated that on 11.07.2008 at about 3.45 a.m when the petitioner was riding motorcycle bearing registration No.KA-03-EQ-6487 on Jayamaharoad in front of burial ground, at that time a speeding car bearing registration No.KA-41-3123 driven in a rash and negligent manner dashed against the petitioner because of which petitioner fell down and sustained injuries. Petitioner made claim petition before the Tribunal in MVC No.6142/2008 that came to be disposed of by partly allowing the petition and granting compensation of ₹40,000/- with interest @ 6% p.a. from the date of petition till realization.

4. Insofar Exhibit P-5 -wound certificate is concerned, the injuries sustained by the petitioner do not appear to be exclusive. They are fracture of left frontal bone, multiple abrasion on the face. Learned Member considered the claim on the factors of

accident, negligence, injuries and disability. There are no exclusive injuries or identifiable disability.

In the circumstances, I do not find any ground to admit the appeal regard being had to the fact that learned counsel for appellant has not shown any interest in going ahead with the matter. Absence of counsel for appellant is placed on record.

Appeal stands rejected.

**Sd/-  
JUDGE**

SBN