

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF JULY, 2018

BEFORE

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

M.F.A. NO. 8184 OF 2015 (MV)

BETWEEN:

SMT. KRISHNAMMA
W/O NAGARAJU
AGED ABOUT 50 YEARS
R/AT NO. 7-21/5, 3RD CROSS,
HENNUR MAIN ROAD,
LINGARAJAPURAM
BENGALURU – 560 084.

... APPELLANT

(BY SRI. PRAKASHA H C FOR
SRI. ANIL KUMAR M , ADVOCATES)

AND

1. THE REGIONAL MANAGER
ICICI LOMBARD GEN. INS. CO. LTD.,
NO. 89, SVR COMPLEX, 2ND FLOOR,
HOSUR MAIN ROAD,
NEAR AYYAPPA TEMPLE,
MADIWALA,
BENGALURU – 560 068.

2. MR. ALEXANDER A.S.
 S/O SOLOMON ANDREWS,
 MAJOR, NO. 234,
 INFANTRY COTTAGE,
 8TH CROSS, 1ST STAGE,
 PILLANNA GARDEN,
 BENGALURU – 560 084.

... RESPONDENTS

(BY SRI. A. N. KRISHNASWAMY, ADVOCATE FOR R1;
 NOTICE TO R2 DISPOSED WITH)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 28.08.2014 PASSED IN MVC NO. 2079/2012 ON THE FILE OF THE VIII ADDITIONAL SMALL CAUSES JUDGE & XXXIII ACMM, MEMBER – MACT, BENGALURU, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

J U D G M E N T

This appeal by the claimant challenges the judgment and award dated 28.08.2018 made by M.A.C.T. Bengaluru (SCCH-5) allowing M.V.C.No.2079/2012, whereby a compensation of Rs.1,10,000/- with interest at the rate of 8% p.a. has been awarded. The challenge is on the ground of inadequacy of compensation.

2. The matter was heard at some length. Thereafter with the intervention of the Court, the parties have amicably settled the *lis*, whereunder, an additional sum of Rs.50,000/- free of interest has been awarded in addition to what has been awarded by the M.A.C.T.

3. In view of the above, this appeal partly succeeds; the impugned judgment and award are modified enhancing the compensation from Rs.1,10,000/- to Rs.1,60,000/-. However, the additional compensation of Rs.50,000/- now awarded, shall not carry any interest.

The insurer to make good the differential amount of compensation forthwith.

Sd/-
JUDGE

Snb/