

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 2ND DAY OF NOVEMBER 2000

BEFORE

THE HON'BLE MR.JUSTICE R.GURURAJAN

M.F.A.NO.2084/2000(MVC)

BETWEEN:

Sri.B.T.Ramanna Gōwda
S/o.late Thope Gowda
Hindu, Major
R/at No.3-C-1
HMT Watch Factory Colony
Devarayapatna
Tumkur-3.

..APPELLANT

(By Sri.M.L.Manjunath, Adv..)

AND:

1. Sri Iyyan Perumal
S/o.Nagalangam
Major
R/at No.18/A
4th Cross, II Main,
Ramachandhapura
Bangalore-560 021.
2. The New India Assurance
Company Limited
Eswaru Complex 0.65
80 Feet Road
Prakashnagar,
Rajajinagar
Bangalore.
Rep. by Branch Manager.

..RESPONDENTS

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M.F.A filed U/s.173(1) of M.V.Act against the judgment and award dated 30.9.1999 passed in MVC No.2458/93 on the file of XXII Addl. City Civil Judge, Bangalore, partly allowing the claim petition for compensation.

This appeal coming on for admission this day, the Court delivered the following:

J U D G M E N T

This appeal is filed against the Judgement in MVC No.2458/1993 passed by the Motor Accidents Claims Tribunal, Bangalore.

2. The appellant is the petitioner before the Trial Court. He filed an application seeking for compensation on account of an injury sustained by him on 13.6.1993. According to the petitioner, one auto rickshaw bearing No.KA-14-343 hit him and caused him injury on 13.6.1993, when he was crossing Malleshwaram Circle from south to north along with his nephew. According to the petitioner the auto rickshaw came in violation

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of traffic signal rules and took sudden left turn with high speed and dashed against the petitioner. The petitioner contends that he was treated as an out-patient by K.C.General Hospital. He was later treated at Aruna Nursing Home at Tumkur. He sustained fracture of Sacrum at pelvic region and he could not regularly attend the HMT Factory where he was an employee. He claims a total compensation of Rs.1,00,000/- The Tribunal on appreciation of evidence has granted a global compensation of Rs.10,000/- in the impugned judgment.

3. I have heard the learned Counsel for the appellant. The learned Counsel contends that the Tribunal is not justified in granting only a sum of Rs.10,000/- on the facts of this case.

4. I have gone through the impugned judgment. The Tribunal has raised three issues in para 4 of the impugned judgment.

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5. In so far as the compensation is concerned, the learned Judge has given cogent reasons in paras 14, 15 and 16 of the Judgment. On appreciating the evidence, the Tribunal has granted a sum of Rs.10,000/-. Admittedly, the petitioner has not placed any documentary evidence to substantiate the claim of Rs.1,00,000/- before the Tribunal. He has produced only Ex.P34. Except ^{1/2} these documents, the other documents have been rightly dis-believed by the Tribunal. Admittedly, the other documents Ex-P9 to P12 are the bills and prescription relating to the year 1998.

6. In the circumstances, the Judge, in my opinion, rightly did not place any reliance on these documents. The learned Judge has considered the Medical Certificate. The evidence of PW1 is not supported by the Doctor PW2. No other evidence was placed before the Court. In the circumstances, the learned Judge after taking in to consideration the other documents filed by the appellant, has granted a global

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compensation of Rs.10,000/- in the impugned judgment. I do not find any error in the judgment.

7. In the circumstances, the appeal is dismissed without being admitted by this Court.

Sd/- JUDGE

Nas.