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HIGH COURT LEGAL SERVICES COMMITTEE AT BANGALORE

BEFORE THE LOK ADALAT AT BANGALORE

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THE 28TH DAY OF MARCH 1998

PRESENT

THE HON'BLE MR. JUSTICE P.P. SOPANNA

AND

SRI ABRAHAM VARGHESE

MISCELLANEOUS FIRST APPEAL No. 663/1992

1. N.T. Poovaiah,

Deleted vide Court Order dtd. 24.6.92.

2. N.P. Gowranma,

Aged 50 years,

W/o N.T. Poovaiah,

Residing at Rangasamudra Village

and Post, Kushalnagar Hobli,

Somawarpet Taluk,

North Kodagu District. ..Appellants

(By Sri P.S. Manjunath, Advocate)

-Vs-

1. Abdul Nazeer, Major,

S/o G. Abdul Latheef,

Driver of lorry bearing No.

MYN 4595, R/a D.No. 273,

Guthalu Colony,

Mandya District.

..2..

2. G.Abdul Latheef,  
S/o G.Hussain Sab,  
Owner of lorry No.MYN 4595,  
R/o D.No.273, Guthalu Colony,  
Mandya District.

3. Branch Manager,  
National Insurance Co. Ltd.,  
P.B.No.54, No.1576,  
V.V.Road, Mandya City,  
Mandya District.

..Respondents

(By Sri H.G.Ramesh, Adv. for R-3)

Miscellaneous First Appeal against the Judgment  
and Award passed by the Pri. District Judge and MACT.I,  
Mysore in MVC.No.362/1989 on his file dated 8.10.91.

This Appeal coming on for final disposal this  
day, the Court delivered the following:-

J U D G M E N T

Heard the learned counsel for the parties.

Award as per joint memo filed.

sd/-  
JUDGE

sd/-  
MEMBER



P. by: BMP

R. by: M. Siah

C. by: *YB*

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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

*28/10/91*

This Appeal coming on for hearing this day, the Court delivered the following:-

J U D G M E N T

Having heard the learned counsel for the appellant, though I am of the view that the Tribunal has fell into an error in the choice of the multiplier, in the circumstances of the case there is no need to interfere with the quantum of compensation. It is true that the multiplier adopted by the Tribunal is excessive and if the same is corrected in the light of the decision of the Hon'ble Supreme Court in the case of UP STATE ROAD TRANSPORT CORPORATION -vs- TRILOKCHANDRA reported in 1996 (4) SCC 362 and if the amounts under the other conventional heads are awarded to the claimant, the compensation would work out to more than the amount awarded by the Tribunal. There appears to be no appeal or cross objections filed by the claimant and the present appeal is by the owner of the vehicle. Therefore,

on the facts and circumstances of this case,

I am of the view that this is not a case

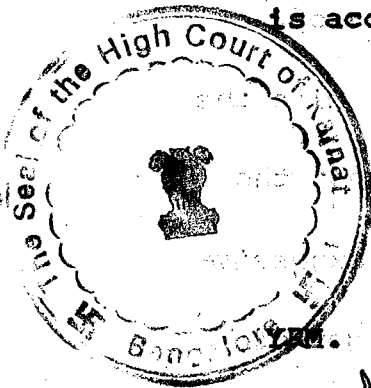
for interference with the quantum of compensation

awarded by the Tribunal to the claimant

in respect of death of the deceased. Hence,

the appeal filed by the owner of the vehicle

is accordingly dismissed. No costs.



Sd/-

JUDGE.

R.B.Y.

C.B.Y.

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Assistant Registrar  
High Court of Karnataka  
Bangalore-560 001

18/1/99