

IN THE HIGH COURT OF KARNATAKA,  
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 2<sup>nd</sup> DAY OF NOVEMBER, 2012

BEFORE

THE HON'BLE MR JUSTICE S.N. SATYANARAYANA

MFA.24274/2011 (MV)

BETWEEN:

Ramappa,  
S/o Parappa Khot.  
Age: 31 years.  
Occ: Auto Driver and Agrl. (Now Nil)  
R/o. Hebbal, Tal: Hukkeri,  
Dist: Belgaum. ... Appellant

(By Sri.Vitthal S. Teli, Adv.)

AND:

The Divisional Manager,  
United India Company Ltd.  
Divisional Office,  
Maruti Galli, Belgaum. ... Respondent

This MFA is filed under Section 173(1) of the M. V. Act, praying to modify the judgment and award dated 15.04.2010 passed in MVC.1661/08 by the III Addl.Civil Judge (Sr.Dn) & Addl.MACT, Belgaum, and etc.

This MFA coming on for Orders this day, the Court, the Court, delivered the following:

### JUDGMENT

The claimant in MVC.1661/2008 on the file of MACT, Belgaum, has come up in this appeal seeking enhancement of compensation.

2. This appeal is filed with inordinate delay of 509 days. In that behalf an application in I.A/2011 is filed seeking condonation of the said delay. Perused the affidavit filed in support thereof.

3. On going through the same, it is seen that only the date of accident and the date of the impugned judgment and award is mentioned. However, when it comes to delay in filing the appeal, it is stated that the certified copy of the judgment impugned was obtained by his Counsel and the same was communicated to the appellant through a letter which was received by his family member, who did not bring to his knowledge. It is stated that since the said letter was misplaced by one of his family member, the appeal was not preferred in time.

4. On going through the contents of the application and affidavit filed in support thereof, it does not inspire confidence regarding the explanation given for condonation of inordinate delay of 509 days. Even otherwise, on merits of the case, it is seen that for fracture of femur and abrasion, compensation awarded in a sum of Rs.1,07,960/- appears to be just and proper.

5. In that view of the matter, this Court finds that there is no justifiable reason to condone the delay of 509 days in filing the appeal. In that view of the application filed seeking condonation of delay is dismissed.

Consequently, the appeal is also dismissed.

SD/-  
JUDGE

Sub/