

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF NOVEMBER 2013

BEFORE

THE HON'BLE MR.JUSTICE S. ABDUL NAZEER

MISCELLANEOUS FIRST APPEAL NO.3647/2012 (MV)

Between:

The Divisional Controller,
KSRTC, Chickmagalore Division,
Through Chief Law Officer,
KSRTC, Bangalore.

.... Appellant.

(By Sri K. Nagaraja, Adv.)

And:

1 Sri H.L.Manjunatha,
S/o Lachma Setty,
Aged about 37 years,
Siddapura Halebelur Village,
Sakaleshpura Taluk.

2 Sri Yamanappa Yelabasavi,
S/o Hanumappa,
Aged about 36 years,
KSRTC, Sakaleshpura Depot.

.... Respondents.

(By Sri Chethan B. Adv. for R1
Notice to R2 dispensed with)

This Miscellaneous First Appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, against the judgment and award dated 13.1.2012 in MVC No.36/2010 on the file of the Senior Civil Judge and JMFC at Sakleshpur, etc.

This Miscellaneous First Appeal coming on for Final Hearing this day, the Court delivered the following:

JUDGMENT

The Divisional Controller, Karnataka State Road Transport Corporation, Chickmagalore Division, has filed this appeal challenging the judgment and award in MVC No.36/2010 dated 13.1.2012 on the file of the Senior Civil Judge and JMFC at Sakleshpur, whereby the trial Court has awarded total compensation of Rs.60,000/- with interest at 6% per annum from the date of the petition till the date of deposit towards damages sustained to a Maruti car bearing registration No.KA-12 M-6021.

2. I have heard the learned Counsel for the parties.

3. The contention of the learned Counsel for the appellant-Corporation is that the trial Court has not deducted scrap value of the

damaged parts of the Maruti car from the damages awarded by it while determining compensation.

4. The trial Court has awarded Rs.8,630/- towards labour charges, painting, tinkering and mechanical fittings for the car. The claimant has purchased auto parts worth Rs.48,630/-. The damaged parts of the car have scrap value. The scrap value of the parts has not been deducted from the said amount. Taking a over all view of the matter, it is just and proper to award Rs.50,000/- towards damages as against the award of Rs.60,000/- by the trial Court.

5. In the result, the appeal succeeds and it is accordingly in allowed in part. It is hereby held that claimant is entitled for Rs.50,000/- towards damages for the repair of his Maruti Car bearing registration No.KA12 M-6021. The appellant-Corporation has deposited Rs.25,000/- while filing this appeal. Balance of the amount with interest at 6% per annum from the date of the petition till the date of deposit shall be deposited before the trial Court within a period of six weeks from the date of receipt of a copy of this order.

The amount in deposit shall be transferred to the trial Court forthwith. No costs.

Sd/-
JUDGE.

BMM/-