IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 1ST DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR. JUSTICE C.M. JOSHI

MISCL. FIRST APPEAL NO.200262/2020(MV-I)

BETWEEN:

JEMALU S/O. BHANU RATHOD,
AGE: 46 YEARS, OCC: COOLIE,
R/O. KUMATAGI L.T.,
TQ. AND DIST. VIJAYAPURA-586 127.

...APPELLANT

(BY SRI BABU H. METAGUDDA, ADVOCATE)

AND:

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LUCYGRACE Date: 2025.02.03 17:26:53 -0800

1. NAVANTH S/O CHANDRAKANTH DHAIGUDE,
   AGE: 46 YEARS, OCC: BUSINESS,
   R/O ANDORI, TQ. KANDAL,
   DIST. SATARA,
   MAHARASHTRA-415 521.

2. THE DIVISIONAL MANAGER,
   UNITED INDIA INSURANCE CO. LTD.,
   SANGAM BUILDING, S.S. FRONT ROAD,
   VIJAYAPURA-586 101.

...RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING

TO ALLOW THE APPEAL BY MODIFYING THE JUDGMENT AND AWARD DATED 19.10.2019 PASSED BY THE II ADDL. SENIOR CIVIL JUDGE AND MACT-VII, VIJAYAPURA, IN MVC NO.2138/2013 AND CONSEQUENTLY BE PLEASED TO ENHANCE THE COMPENSATION FROM RS.25,000/- TO RS.10,00,000/- WITH INTEREST @ 12% PER ANNUM, FROM THE DATE OF PETITION TILL REALIZATION.

THIS APPEAL COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE C.M. JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C.M. JOSHI)

1. Heard learned counsel for the appellant.

2. There is delay of 129 days in filing the application to recall the dismissal order dated 23.02.2021. I.A. No.1/2022 was filed to condone the said delay and I.A. No.2/2022 was filed to recall for the order dated 23.02.2021. For the reasons stated, both the applications are allowed. Consequently, the order dated 23.02.2021 is recalled. The appeal is restored to the file of this Court.

3. Heard learned counsel for the appellant on admission.

4. This appeal is filed by the claimant against the judgment and award of the compensation dated 19.10.2019 passed in MVC No.2138 of 2013 on the file of the II Additional Senior Civil Judge and MACT-VII, Vijayapura, (for short 'Tribunal').

5. The appellant had sustained a cut lacerated wound on the left front parietal region with bleeding. Since, the said injury was on the head of the appellant, he took treatment for a considerable time, but ultimately it was opined that it was a simple injury. The Tribunal after ascertaining the medical records, which were produced before it, came to the conclusion that the compensation of Rs.25,000 has to be awarded to the petitioner and accordingly allowed the petition. Being aggrieved by the said quantum of compensation, the petitioner is before this Court in this appeal.

6. A perusal of Para Nos.32, 33, 34 and 35 of the impugned judgment would clearly show that there were no such complications as pleaded in the petition. There was no

disability and no medical evidence in the form of a testimony of the Doctor was adduced. Therefore, the Tribunal considering the nature of the injury mentioned in the Discharge Summary as well as in the Wound Certificate, a sum of Rs.25,000 has been awarded to the petitioner and in no way, it can be interfered with. Hence, the appeal is a bereft of merits and as such, the same is dismissed at the stage of admission itself.

Sd/-
(C.M. JOSHI)
JUDGE

SBS
List No.: 1 Sl No.: 37
CT: AK