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Shivkumar vs the Divisional Controller

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Court : Karnataka Kalaburagi

Decided On : Dec-19-2024

Judge : Sachin Shankar Magadum

Appeal No. : MFA/201328/2021

Appellant : Shivkumar

Respondent : The Divisional Controller

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 19TH DAY OF DECEMBER, 2024 BEFORE THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM MISCL. FIRST APPEAL NO. 201328 OF 2021 (MV-I) BETWEEN:

1. SHIVKUMAR

S/O OMKAR @ OMKARAYYA AGE 06 YEARS, OCC STUDENT UNDER GUARDIANSHIP OF NATURAL MOTHER ARUNA W/O OMAKAR @ OMKARAYYA AGE 33 YEARS, OCCU. LABOUR R/O DONGARGAON NOW AT SHIV NAGAR, NORTH BIDAR TQ AND DIST BIDAR APPELLANT

(BY SRI. SANDEEP VIJAYKUMAR, ADVOCATE) AND: Digitally signed by 1. THE DIVISIONAL CONTROLLER AL BHAGYA Location: HIGH NEKRTC BIDAR DIVISION COURT OF BIDAR 585401 KARNATKA RESPONDENT (BY SRI. SHARANABASAPPA M. PATIL, ADVOCATE)

THIS MFA IS FILED U/S. 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS IN MVC NO. 632/2017 ON THE FILE OF THE ADDL. SENIOR CIVIL JUDGE AND ADDL. MACT AT BIDAR, TO MODIFY THE JUDGMENT AND AWARD DATED 01.04.2019 PASSED IN MVC NO. 632/2017 ON THE FILE COURT OF THE ADDL SENIOR CIVIL JUDGE AND ADDL MACT AT BIDAR AND ETC. -2-

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM) Heard the learned counsel for the appellant and the learned counsel appearing for the respondent/Corporation.

2. On reassessing the evidence on record, this

Court is of the view that the claimant is asserting that he has suffered grievous head injuries and that has affected his earning capacity. There is absolutely no medical evidence to substantiate his claim. In the absence of medical evidence, Tribunal has infact awarded reasonable and fair compensation of Rs.50,000/-. There is no scope for enhancement.

3. Hence, the appeal is dismissed. Sd/- (SACHIN SHANKAR MAGADUM) JUDGE ALB List No.: 1

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