



CNR: KAHC010267382018

NC: 2026:KHC:39108-DB
MFA No. 10472 of 2018
C/W MFA No. 3975 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 10472 OF 2018 (MV-D)

C/W

MISCELLANEOUS FIRST APPEAL NO. 3975 OF 2021 (MV-D)

IN MFA No. 10472/2018

BETWEEN:

THE MANAGER
MAGMA HDI GIC LTD.,
NO.36, 2ND FLOOR, HMGC (HM ASTRID)
TOWERS ABOVE AXIS BANK,
MINERVA CIRCLE,
JC ROAD,
BANGALORE.

...APPELLANT

(BY SRI. A N KRISHNA SWAMY., ADVOCATE)

AND:

1. SMT RAHATHUNISA
W/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 44 YEARS,

Digitally signed by
MAMATHA K
Location: HIGH
COURT OF
KARNATAKA



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2. MR. RAFEEQ ALZM P S
S/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 32 YEARS,
3. KUM NAZHATHUNISA
D/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 22 YEARS,
4. KUM NUSRATHUNISA
D/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 20 YEARS,

ALL ARE RESIDING AT NO.329,
1ST MAIN, 2ND CROSS, DARGAMOHALLA,
DOORVANINAGAR POST,
BANGALORE.

5. SRI. SYED MASTHAN
PROP:SAK TRANSPORT,
NO.557, OLD MADRAS ROAD,
NEAR K.R.PURAM RAILWAY STATION,
DOORAVANINAGAR POST,
BANGALORE
6. SHABINA ALMAS
D/O LATE PYAREJAN,
AGED ABOUT 35 YEARS,
PRESENTLY R/AT NO.6285/1/A BLOCK,
NO.38, NEXT BAJAJ SHOW ROOM,
SALAMATH NAGAR, HOSKOTE.

...RESPONDENTS

(BY SRIYUTHS. H.R.SATHYPAL HEGDE, Advocate for R1 to
R4 and SMT. INDUMATHI, Advocate for R5)



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This Miscellaneous First Appeal filed Under Section 173(1) of MV Act against the Judgment and Award dated:26.09.2018 passed in M.V.C.No.4651/2014 on the file of the V Additional Small Causes Judge & XXIV ACMM, Member, MACT & V Additional Judge, SCCH-20, Mayo Hall Unit, Bengaluru, awarding compensation of Rs.53,63,149/- with interest @ 9% per annum from the date of petition till realization.

IN MFA NO. 3975/2021

BETWEEN:

1. SMT. RAHATHUNISA
W/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 46 YEARS,
 2. MR.RAFEEQ ALZM P S
W/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 34 YEARS,
 3. KUM.NAZHATHUNNISA
D/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 24 YEARS,
 4. KUM. NUSRATHUNNISA
D/O LATE HUSSAIN PYAREJAN SYED,
AGED ABOUT 22 YEARS,
- ALL ARE R/AT NO.329, 1ST MAIN,
2ND CROSS, DARGAHMOHALLA,
DOORVANINAGAR POST,
BENGALURU. ...APPELLANTS

(BY SRI. GURUDEVA PRASAD K T., ADVOCATE)



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AND:

1. M/S MAGMA HDI GIC LTD
MOTOR CLAIMS HUB,
NO.36, 2ND FLOOR, HMGC (HM ASTRID)
TOWERS ABOVE AXIS BANK,
MINERVA CIRCLE, J.C.ROAD,
BENGALURU
2. SYED MASTHAN
PROP. SAK TRANSPORT,
NO.557, OLD MADRAS ROAD,
NEAR K.R.PURAM RAILWAY STATION,
DOORVANINAGAR POST,
BENGALURU
3. SHABINA ALMAS
D/O LATE PYAREJAN,
AGED ABOUT 37 YEARS,
PRESENTLY RESIDING AT NO.6285/1/A BLOCK, NO.38,
NEXT BAJAJ SHOW ROOM,
SALAMATHNAGAR, HOSAKOTE.

...RESPONDENTS

(BY SRI. A N KRISHNA SWAMY., Advocate for R1; Notice to R2 is dispensed with)

This Miscellaneous First Appeal filed Under Section 173(1) of MV Act against the Judgment and Award dated:26.09.2018 passed in M.V.C.No.4651/2014 on the file of the V Additional Small Causes Judge and XXIV ACMM, Member, MACT, Mayo Hall Unit, Bengaluru (SCCH-20), partly allowing the claim



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petition for compensation and seeking enhancement of compensation.

These Appeals are coming on for Orders this day, the Court made the following

ORAL ORDER ON I.A.NO.1/2026 IN MFA NO.10472/2018

I.A.No.1/2026 is filed seeking recall of an order dated 13.02.2026 with respect to the legal representatives of deceased respondent No.5 i.e. respondent No.5(a) to (d) who were placed ex parte. This I.A. is supported by an affidavit of Smt.Nasreen Taj, who is one of the legal representatives.

In view of the submissions made in the affidavit, the order dated 13.02.2026, directing that respondent Nos.5(a) to (d) are placed ex parte, is recalled. I.A.No.1/2026 is accordingly allowed.

The office report is that amended cause title is filed but the cause title in the appeal memo has not been amended. Learned counsel for the appellant shall amend the cause title in the appeal memo within a week.



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Learned counsel for the appellant in MFA No.3975/2021 seeks for a week's time to get instructions regarding taking steps for service of notice on respondent No.3.

Learned Counsel for the appellant prays for and is granted two week's time to file duly attested translated copies of the documents/depositions on record supported by an affidavit as required under Order XIII Rule 12 CPC (Karnataka Amendment) failing which the appeals shall stand dismissed without further reference to the Court.

List on 23.07.2026.

Sd/-
JUDGE

Sd/-
JUDGE

NOTE: Court Order dt.22.06.2026 not complied with. Hence Appeals stands dismissed.

COPY

Sd/-
I/C ASSISTANT REGISTRAR

T By: BR

R By: YL

C By: NR