



CNR: KAHC010226632022

NC: 2026:KHC:52853
RP No. 532 of 2022

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

REVIEW PETITION NO.532 OF 2022

BETWEEN:

MR SHWETHADRI NAYAKA
S/O NARAYANASWAMY NAYAKA
AGED ABOUT 26 YEARS
NO.379/1, NEETHI MARGA
SIDDARTHANAGAR
MYSORE- 570 011.

...PETITIONER

(BY SRI. P.G.YATNAL, ADVOCATE)

AND:

1. THE MANAGER,
M/S NATIONAL INSURANCE COMPANY LTD
REGIONAL OFFICE
SITUATED AT SUBHARAM COMPLEX
NO.144, M G ROAD
BANGALORE- 560 001.

2. MR NARASIMHAMURTHY M
S/O MUNIRAJU
AGED ABOUT 26 YEARS
VRUSHABHAVATHIPURA
ITTAMADU POST, BIDADI HOBLI
RAMANAGARA DISTRICT- 562 109.

...RESPONDENTS

(BY SMT. GEETHA RAJ, ADVOCATE FOR R-1;
R-2 SERVED AND UNREPRESENTED)

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1 R/W
SECTION 114 OF CPC, PRAYING TO REVIEW THE JUDGMENT AND
ORDER DATED 06/01/2021 IN MFA NO.6420/2018 (MV) C/W MFA
CROB.NO.136/2018 (MV) AND ALLOW THIS REVIEW PETITION BY
RESTORING THE MATTERS MFA NO.6420/2018 (MV) C/W MFA
CROB.NO.136/2018(MV) TO ITS ORIGINAL FILE.



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THIS PETITION, COMING ON FOR *ADMISSION*, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

In this petition, petitioner seeks the following reliefs:

“(a) Review the judgment and order dated 06.01.2021 in MFA No.6420/2018 (MV) C/w MFA Crob. No.136/2018 (MV) and allow this review petition by restoring the matters MFA No.6420/2018 (MV) C/w MFA Crob.136/2018 (MV) to its original file.

(b) Pass such other order as this Hon’ble Court may deem fit in the facts and circumstances of the case including an order as to costs in the interest of justice.”

2. Heard learned counsel for the petitioner and learned counsel for the respondent No.1 and perused the material on record. Though notice of this petition is served on respondent No.2, he has chosen to remain unrepresented and has not contested the petition.

3. A perusal of the material on record will indicate that the review petitioner was the owner of the offending vehicle, who was arrayed as respondent No.2 in MFA No.6420/2018 and respondent



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No.1 in MFA Crob. No.136/2018 which were disposed of by this Court vide final judgment and award dated 06.01.2021. It is a matter of record and an undisputed fact that the review petitioner was served and unrepresented in the aforesaid appeal and it is contended that if one more opportunity is provided by setting aside the impugned judgment and award passed by this Court, the review petitioner would contest the said appeal and cross-objections on merits. Along with the review petition, the petitioner has also filed an application – I.A.1/2022 for production of additional documents.

4. Though the review petition as well as the application – I.A.1/2022 is opposed by respondent No.1 – Insurance company, having regard to the undisputed fact that the review petitioner / owner of the offending vehicle had been served with notice of the appeal and had remained unrepresented and had not contested the appeal and the cross-objections coupled with the fact that the review petitioner has filed an application for permission to produce additional evidence, I am of the considered opinion that it would be just and appropriate to adopt a justice oriented approach and in



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order to provide one more opportunity to the petitioner to contest the appeal on merits, I am of the view that the impugned judgment and award passed by this Court in MFA No.6420/2018 C/w MFA Crob. No.136/2018 deserves to be set aside and the appeal to be restored to the file of this Court for disposal on merits and in accordance with law.

5. In the result, I pass the following:

ORDER

- (i) The review petition is hereby ***allowed***.
- (ii) The impugned judgment and award dated 06.01.2021 passed by this Court in MFA No.6420/2018 C/w MFA Crob. No.136/2018 is hereby set aside.
- (iii) MFA No.6420/2018 C/w MFA Crob. No.136/2018 are restored to the file of this Court.
- (iv) I.A.1/2022 is disposed of reserving liberty in favour of the review petitioner to file an appropriate application in MFA No.6420/2018 C/w MFA Crob. No.136/2018.



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(v) Registry to list the matter before the appropriate bench having roster.

**Sd/-
(S.R.KRISHNA KUMAR)
JUDGE**

SV
List No.: 1 SI No.: 21