

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 02ND DAY OF JANUARY, 2024

BEFORE

HON'BLE MRS. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL No. 200450 OF 2018 (MV I)

BETWEEN

THE DIVISIONAL CONTROLLER,
NEKRTC, M.S.K. MIL ROAD,
KALABURAGI.

...APPELLANT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE)

AND

1. AMBIKA D/O SIDRAMAPPA (W/O ASHWIN BALE),
AGE: 23 YEARS
R/O. SHIVAJI NAGAR
KALABURAGI-585102.
2. SHAIKHHANIF S/O MAHEBOOB
AGE: MAJOR, OCC: BUISNESS
(OWNER OF TIPPER),
R/O H.NO.8/1796/2,
FILTER BED ROAD, TAJ NAGAR
TQ: & DIST: KALABURAGI-585103.
3. SHRIRAM GENERAL INS.CO.LTD,
E-8M, EPIP, RIICO INDUSTRIAL AREA,
SITAPUR JAIPUR RAJASTHAN-303022.
4. BEERAPPA S/O BASAPPA ELOOR,
AGE: MAJOR, OCC: NEKRTC BUS DRIVER
VIDE BUS NO.KA 38/F775

R/O GUNAL S-S-VILLAGE,
TQ: MUDDEBIHAL,
DIST: VIJAYAPUR - 586212.

...RESPONDENTS

**(BY SRI. SUBHASH MALLAPUR, ADVOCATE FOR R-3 (VK FILED)
R4 SERVED)**

MISCELLANEOUS FIRST APPEAL FILED U/S. 173(1) OF MOTOR VEHICLE ACT, BY THE ADVOCATE FOR APPELLANT IT IS PRAYS THAT, THIS HON'BLE COURT MAY BE PLEASED TO CALL FOR RECORDS AND SET THE JUDGMENT AND AWARD DATED 14.09.2017 PASSED BY THE I ADDL.SENIOR CIVIL JUDGE AND M.A.C.T. AT KALABURAGI IN MVC NO.941/2015 BY REJECTING THE CLAIM OF THE RESPONDENT AGAINST THE CORPORATION IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Learned counsel for the appellant shall take out substituted service of notice to Respondent Nos.1 and 2 by filing proper application by 12.01.2023, failing which, the appeal shall stand dismissed without further reference to the Bench.

**Sd/-
JUDGE**

NOTE: Vide order dated 02.01.2024. the learned counsel for the appellant has not taken out substituted service of notice to respondents nos.1 and 2 by filing proper application by 12.01.2023. Hence, the appeal shall be dismissed without reference to the Court.

**Sd/-
ASSISTANT REGISTRAR**

T By : RBM

R By : SH

C By : AK