

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 07TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MRS. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 201846 OF 2022 (MV-D)

BETWEEN:

1. SATTEWWA W/O SANJEEV @ SANJU MADAR
AGE: 31 YEARS, OCC: HOUSEHOLD
2. BHIMANNA @ APPU S/O SANJEEV @ SANJEEV MADAR
AGE: 13 YEARS, OCC: M/G BY APPELLANT NO.1
3. AISHWARYA D/O SANJEEV @ SANJU MADAR
AGE: 11 YEARS, M/G BY APPELLANT NO.1

ALL ARE R/O ATALATTI TQ & DIST: VIJAYAPUR - 586101.

...APPELLANTS

(BY SRI. SANGANAGOUDA V. BIRADAR, ADVOCATE)

AND:

1. DUNDAPPA S/O AMASIDDA @ AURASIDDA RABINAL
AGE: 46 YEARS, OCC: BUSINESS
R/O GUGADADDI TQ & DIST: VIJAYAPUR - 586101
(OWNER OF CRUISER JEEP NO.KA-12-5811)

2. THE MANAGER LEGAL,
SHRIRAM GENERAL INSURANCE CO.LTD,
S-5, 2ND FLOOR, MONARCH CHAMBERS
INFANTRY ROAD, BENGALURU - 560001
POLICY NO.10010/31/14/010840
VALID FROM 16-12-2013 TO 15-12-2014
(OWNER OF CRUISER JEEP NO.KA-12-5811)
3. SANGAPPA S/O BHEEMASHI HUGAR,
AGE: 44 YEARS, OCC: BUSINESS
R/O KAGGOD, TQ & DIST: VIJAYAPUR - 586101
(OWNER OF CRUISER JEEP NO.KA-28-TA - 5578)

...RESPONDENTS

(VIDE ORDER DATED 07.02.2024 NOTICE TO R1 IS HELD SUFFICIENT SRI. SUDARSHAN M. IS DIRECTED TO TAKE NOTICE FOR R2 (VK NOT FILED))

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988 BY THE ADVOCATE FOR THE APPELLANTS IT IS PRAYS THAT, THIS HON'BLE COURT MAY BE PLEASED TO ALLOW THE APPEAL BY MODIFYING THE IMPUGNED JUDGMENT AND AWARD DATED:29.10.2015 PASSED BY THE IV ADDITIONAL DISTRICT & SESSIONS JUDGE, VIJAYAPUR IN MVC NO.1625/2014 AND CONSEQUENTLY BE PLEASED TO ENHANCE THE COMPENSATION FROM Rs.13,56,000/- TO Rs.28,56,000/- WITH INTEREST @ 12% PER ANNUM FROM THE DATE OF PETITION TILL ACTUAL REALIZATION BY PASTING THE LIABILITY ON

RESPONDENT No.2 INSURANCE COMPANY, IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORDER

As per postal shara, in respect of notice to respondent No.1 shows 'unclaimed'. The same amounts to deemed service of notice and notice to Respondent No.1 is held sufficient.

Sri. Sudarshan M. is directed to take notice for respondent No.2- insurance company.

Learned counsel is directed to serve the copy of the appeal memo along with annexures on the learned counsel appearing for the respondent No.2.

Learned counsel for the appellant shall take steps in respect of deceased respondent No.3 by 27.02.2024, or else the appeal shall stand dismissed without further reference to the Court.

Post this matter after service of notice to respondent No.3.

**Sd/-
JUDGE**

NOTE: Vide order dated 07.02.2024 the counsel for appellant has not taken steps in r/o deceased R3 by 27.02.2024. Hence, the appeal shall stand dismissed without further reference to the Court.

**Sd/-
ASSISTANT REGISTRAR**

T By : SB

R By : AUS

C By : NHD