IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 06TH DAY OF FEBRUARY, 2024

BEFORE

THE HON'BLE MRS. JUSTICE LALITHA KANNEGANTI

MISCELLANEOUS FIRST APPEAL NO. 201325 OF 2019 (MV-I)

BETWEEN:

1) LAXMIBAI W/O YALLAPPA,
AGE:49 YEARS,
OCC:AGRICULTURE LABOUR &
HOUSEHOLD, NOW NIL,
R/O CHEKKI WADDAR GALLI, SHAHBAD,
TQ.CHITTAPUR, DIST.KALABURAGI,
NOW RESIDING AT H.NO.812-1,
KANTA COLONY, CIB COLONY, KALABURAGI

...APPELLANT

(BY SRI. NAGARAJ PATIL, ADVOCATE)

AND:

1) TIMMAYYA S/O HANUMANTH
AGE:MAJOR, OCC:AGRICULTURE,
OWNER OF TRACTOR BEARING
REG.NO.AP-22/F-6791.
R/O H.NO.1/2, VADNALLI,
TQ.YADGIR, DIST.YADGIR-585201.

2) AMBU S/O DHANA SINGH
AGE:MAJOR, OCC:AGRICULTURE,
OWNER OF TRAILER BEARING
REG.NO.KA-32/T-4225. R/O DEVAN THEGANUR TANDA,
TQ.CHITTAPUR, DIST.KALABURAGI-585211

3) HDFC ERGO GENERAL INSURANCE CO. LTD.,
IST FLOOR, VIRUPAX KRUPA,
OPP:KIMS MAIN GATE, R.D.ROAD,
VIDYA NAGAR, HUBLI-580021
REPRESENTED BY ITS AUTHORIZED OFFICER,

...RESPONDENTS

(SRI. VEERANAGOUDA MALIPATIL, ADVOCATE FOR RESPONDENT-2 (VK); SMT. PREETI PATIL MELKUNDI, ADVOCATE FOR RESPONDENT-3, VIDE ORDER DATED 10/06/2021 SRI. C.S. KALBURGI ACCEPTS NOTICE FOR RESPONDENT-3 (VK NOT FILED))

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/SEC 173(1) OF M.V. ACT 1988. BY THE ADVOCATE FOR THE APPELLANT PRAYS THAT THIS HON'BLE COURT BE PLEASED TO

A) CALL FOR THE RECORDS.

B) TO MODIFY THE JUDGMENT AND AWARD DATED 10-05-2018 PASSED IN MVC No.753/2015 ON THE FILE OF III ADDL. SENIOR CIVIL JUDGE AT KALABURAGI. AND ALLOW THIS APPEAL BY ENHANCING THE COMPENSATION AMOUNT OF RS.9,75,000/- ONLY AS CLAIMED BY THE APPELLANT BEFORE THIS HON'BLE COURT.

C) ORDER FOR COSTS OF THIS APPEAL

D) PASS SUCH OTHER ORDERS DEEMS FOR IN THE CIRCUMSTANCES OF THE CASE IN THE INTEREST OF JUSTICE AND EQUITY.

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

ORDER

The learned counsel for the appellant shall take necessary steps for issuance of notice to respondent No.1 by 12.02.2024, by that time, if the necessary steps are not taken, the appeal shall stand dismissed without further reference to the Court.

Sd/-
JUDGE

NOTE: Vide order dated 06.02.2024. The counsel for the appellant has not taken steps for issuance of notice to R1 by 12.02.2024. Hence, the appeal shall stands dismissed without further reference to the Court.

Sd/-
ASSISTANT REGISTRAR

T By : SD
R By : AUS
C By : NHD