CNR: KAHC010114002019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

HON'BLE MS. JUSTICE TARA VITASTA GANJU

MISCELLANEOUS FIRST APPEAL NO. 3402 OF 2019 (MV-D)

BETWEEN:

1. ARSHIYA TANZEEM
   NOW AGED 32 YEARS,
   W/O LATE KHURAM PASHA,

2. MOHAMMED ISMAIL
   NOW AGED 10 YEARS,
   S/O LATE KHURAM PASHA,

3. B.B.AMEENA
   NOW AGED ABOUT 7 YEARS,
   S/O LATE KHURAM PASHA,

   APPELLANT NO.2 AND 3 ARE MINORS
   REPRESENTED BY NATURAL GUARDIAN,
   MOTHER APPELLANT NO.1, ARSHIYA TANZEEM,

Digitally signed by SUMATHY KANNAN
Location: HIGH COURT OF KARNATAKA

4. ASMATHUNNISA
   NOW AGED 53 YEARS,
   W/O EJUS PASHA,

5. EJUS PASHA
   NOW AGED 58 YEARS,
   BUDOOS SAB,

   ALL ARE R/O NO.165, 11TH CROSS,
   SULATHAN ROAD, GOWSIYA NAGAR,
   C-BLOCK, MYSORE, PIN-570 012.

...APPELLANTS

(A1, A4, A5-ABSENT)

AND:

1. M.K.AGRO TECH PVT LTD.,
   NO.389, KAVERY LAYOUT,
   M.B.ROAD, S.R.PATNA TOWN,
   MANDYA DISTRICT, PIN-571 430.

2. THE MANAGER,
   THE SBI GENERAL INSURANCE CO. LTD,
   BRANCH OFFICE, GROUND AND 1ST FLOOR
   RUKMINI TOWERS-3-1,
   FLATFORM ROAD/RAILWAY APPROACH ROAD,
   SESHADRIPURAM, BENGALURU.
   PIN-560 010.

…RESPONDENTS

(BY SRI. PRADEEP.B., ADVOCATE FOR R2;
V/O DTD:07.07.2023-NOTICE TO R1 IS DISPENSED WITH)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 21/06/2018, PASSED IN MVC NO.1593/2016, ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE D.K. MANGALURU, SITTING AT PUTTUR, D.K., PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL IS COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORAL JUDGMENT

1. On 11.06.2026, the following order was recorded and on that date, Court notice was issued to the appellants:

"Sri.Mallikarjuna Reddy representing Sri.Pradeep.B learned counsel on record for respondent No.2 submits

that Sri.Vishwanatha Poojary.K learned counsel on record for the appellants is no more.

In the light of the submissions thus made, issue Court Notice to the appellants directing them to pursue the matter either in person by following the prescribed procedure or through an appointed counsel. List the matter on 30.07.2026."

2. Subsequently, on 30.07.2026 this Court also adjourned the matter awaiting service of notice to the appellants.

3. The report of the Registry dated 01.08.2026, is that appellants could not be served, as they are not residing at that address.

4. Given the service report and the fact that there is no appearance on behalf of the appellant for the last several dates, this matter cannot be proceeded with any further.

5. The appeal is accordingly dismissed for non-prosecution. All pending applications, stand closed.

Digitally signed by TARA VITASTA GANJU
Location: HIGH COURT OF KARNATAKA

(TARA VITASTA GANJU)
JUDGE

JJ
List No.: 1 Sl No.: 2