HC-KAR

NC: 2026:KHC:59812-DB
MFA No. 1472 of 2025

CNR: KAHC010131112025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

MISCELLANEOUS FIRST APPEAL NO. 1472 OF 2025 (AA)

BETWEEN:

1. PARTHAJE KUMARASWAMY
S/O PARTHAJE RAMAKRISHNA BHAT,
AGED ABOUT 68 YEARS,

2. SMT DEVAKIDEVI KUMARASWAMY,
W/O PARTHAJE KUMARASWAMY,
AGED ABOUT 57 YEARS,

BOTH ARE RESIDING AT FLAT NO 1110,
CLASSIC SAPPHIRE B BLOCK,
NEAR POLICE QUARTERS,
SHAKTHI NAGAR
GOPALAKRISHNA TEMPLE ROAD,
MANGALORE
D.K. DISTRICT-575016

...APPELLANTS

(BY SRI. KRISHNAMOORTHY D., ADVOCATE)

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

AND:

1. THE PROJECT DIRECTOR
N.H.A.I, PIU, NHAI, NH-75,
NO 3-29, BETHEL THARETHOTA,
NEAR PUMPWELL (NH-66).
MANGALORE-575001.

2. THE COMPETENT AUTHORITY

AND THE SPECIAL LAND ACQUISITION OFFICER
NHAI, NH-75, HASSAN-B.C. ROAD DIVISION
NO HIG-64, DTDC COURIER OFFICE BUILDING,
1ST FLOOR, KHB COLONY,
CHANNAPATNA,
OPP. KSRTC NEW BUS STAND,
HASSAN-573201.

3. THE DEPUTY COMMISSIONER/
ARBITRATOR FOR NHAI
DAKSHINA KANNADA DISTRICT,
MANGALURU-575001

…RESPONDENTS

(BY SMT. SHOBHITH N. SHETTY., ADVOCATE FOR R1;
R2 & R3 ARE SERVED)

THIS MFA IS FILED UNDER SECTION 37(1)(c) OF THE ARBITRATION AND CONCILIATION ACT, 1996, AGAINST THE JUDGMENT DATED.12.08.2024 PASSED IN A.P.NO.260/2023 ON THE FILE OF THE IV ADDITIONAL DISTRICT JUDGE AND COMMERCIAL COURT, D.K, MANGALURU, DISMISSING THE PETITION FILED U/S.3(2) OF THE ARBITRATION AND CONCILIATION ACT R/W ORDER 7 RULE 1 AND 2 OF CPC.

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

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

The present appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (for brevity referred to as ***'the Arbitration Act'***) has been filed by the appellants impugning

the judgment and order dated 12.08.2024 passed by the IV Additional District Judge and Commercial Court, D.K. Mangaluru in Arbitration Petition No.260/2023 filed under Section 34(2) of the Arbitration Act by the appellants against the award dated 21.02.2023 passed by the learned Arbitrator in C.DIS.ARB(3) NH.LAQ.CR.118/2021-22.

2. The appellants' land in Survey No.9/13 measuring 121 square meters (2.99 cents) situated at Golthamajulu Village of Bantwal Taluk was acquired for the purpose of widening of National Highway No.75, under Section 3A(1) of National Highways Act, 1956 (for brevity ***'the NH Act'***) vide Notification S.O.No. 3279(E) dated 04.12.2015. The final notification under Section 3D(1) of the NH Act was published in the Gazette of India on 04.08.2016. The Land Acquisition Officer determined the compensation for the land of the appellants at the rate of Rs.50,769/- per cent. The learned Arbitrator however, enhanced the compensation to Rs.1,28,015/- per cent with interest at the rate of 9% p.a. along with other statutory admissible benefits under the provisions of Right to Fair

Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

3. The appellants had claimed compensation at the rate of Rs.2,75,000/- on the basis of some sale deed, which was executed in respect of a neighboring land. The learned Arbitrator did not find the evidence sufficient to enhance the compensation to Rs.2,75,000/-. However, considering the other evidence, the rate was determined for awarding the compensation for the land of the appellants to Rs.1,28,015/- per cent. Two petitions came to be filed under Section 34 i.e., one by the appellant and the other by the National Highways Authority of India. The learned Court below vide impugned order 12.08.2024 has dismissed both the appeals and confirmed the order dated 21.02.2023 passed by the learned Arbitrator.

4. The Appellate Court has considered the submission and found that the evidence in respect of two sale deeds relied upon by the appellants was in respect of the property measuring an extent of 4.50 cents of Golthamajalu Village and 12.50 cents of Balthila Village consisting of buildings with 8

door numbers. Obviously the barren land and the land having buildings will have different market value and the sale deed in respect of the land with buildings cannot be an example for the barren land.

5. Even otherwise, we are of the firm view, that there is no ground as provided under Section 34(2)(a) and (b) to interfere with the impugned order dated 12.08.2024 passed by the Court below in A.P.No.260/2023.

6. We therefore, ***dismiss*** the appeal filed by the appellants as being without any merit and substance.

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

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CT: SN
List No.: 1 Sl No.: 14