IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF MARCH, 2023

BEFORE

THE HON'BLE DR. JUSTICE H.B.PRABHAKARA SASTRY

MISCELLANEOUS FIRST APPEAL NO. 4195 OF 2020 (MV-I)

Between:

The Branch Manager,
United India Insurance Company Ltd.,
Raghavendra Colony,
B.H. Road, Tiptur Town,
Tumkur District.

Through its Regional Office,
United India Insurance Co. Ltd.,
4th & 5th Floor, Krishi Bhavan,
Hudson Circle, Nrupathunga Road,
Bengaluru - 560001
Rep. by its Deputy Manager
Mr. Pundalik M Nayak.

...Appellant

Digitally signed by BANGALORE MADHAVACHAR VEENA
Location: High Court of Karnataka

(By Sri. Seetha Rama Rao B.C. and
Sri. Anup Seetharam Rao, Advocates)

And:

1. Sri Gaveesha K S.,
   Aged about 52 Years,
   S/o Sri Shankaregowda,
   Resident of Karekere Village,
   Nuggehalli Hobli,
   Channarayapatna Taluk - 573116.

2. Sri Rangaswamy,
   Aged about 33 Years,
   S/o Eregowda,

Resident of Karekere Village,
Nuggehalli Hobli,
Channarayapatna Taluk - 573116

(alleged Rider Of Motor Cycle No.KA.13/V-9893)

3. Sri Naveen Kumar M.E.,
Major in age,
S/o Eregowda,
Resident of Karekere Village,
Nuggehalli Hobli,
Channarayapatna Taluk - 573116

(owner of Motor Cycle No KA.13/V-9893)

…Respondents

(By Sri.V. Srinivas, Advocate for R-1;
R-2 - notice served and unrepresented;
Sri. D.N. Dhruva Kumar, Advocate for R-3;)

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This Miscellaneous First Appeal is filed under Section 173(1) of the Motor Vehicles Act, 1988, praying to call for the records connected with M.V.C.No.156/2017 on the file of the Hon'ble Court of the 4th Additional District and Sessions Judge, Hassan District at Channarayapatna, examine the same and set aside the Award dated 17-06-2020 while dismissing the claim petition with exemplary costs payable by both the respondents in the interest of justice.

This Miscellaneous First Appeal coming on for Final Hearing through Physical Hearing/Video Conferencing, this day, the Court made the following:

O R D E R

Learned counsel for the appellant neither present physically nor through video conference nor any reasons are forthcoming for the non-appearance of the learned counsel for the appellant.

However, the learned counsel for Respondent No.1 alone is physically present.

2. On the previous date of hearing, i.e. on the date 01-03-2023, the learned counsel for the appellant had remained absent, as such, as a final opportunity, this Court had granted an adjournment. The present appeal has arisen from out of a criminal case of the year 2017, as such, it is more than five years' old matter, despite which, since the appellant is not evincing any interest in prosecuting the appeal, the appeal stands dismissed for non-prosecution.

Sd/-
JUDGE

BMV*
List No.: 1 Sl No.: 64