HC-KAR

NC: 2026:KHC:60136-DB
MSA No. 258 of 2026

CNR: KAHC010654312026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

MISCELLANEOUS SECOND APPEAL NO. 258 OF 2026

BETWEEN:

1. SMT SEEMA
   W/O LATE ASIF AHAMED,
   D/O SHABIR SAB,
   AGED ABOUT 32 YEARS,
   OCC: HOUSE WIFE,
   R/O: RAGHAVENDRA EXTENSION,
   SHIKARIPURA TALUK,
   SHIVAMOGGA DISTRICT-577 427.

2. MASTER MOHAMMAD ASAD
   S/O LATE ASIF AHAMAD,
   AGED ABOUT 12 YEARS,
   R/O: RAGHAVENDRA EXTENSION,
   SHIKARIPURA TALUK,
   SHIVAMOGGA DISTRICT-577 427.

...APPELLANTS

(BY SRI.RAHAMATHULLA KOTHWAL, ADVOCATE)

Digitally signed by K G RENUKAMBA
Location: High Court of Karnataka

AND:

1. SRI MANJUNATHA
   S/O MASANAYYA,
   AGED ABOUT 29 YEARS,
   R/O: HARONAHALLI,
   JANATA COLONY VILLAGE,
   KANAKAPURA TALUK,
   RAMANAGAR DISTRICT-562 112.
   (DRIVER OF VEHICLE BEARING
   NO.KA-42-A-2506
   MAHENDRA BOLERO PICK UP FB)

2. SRI GOWRAMMA
W/O SHIVANNA,
AGED ABOUT 45 YEARS,
R/O: NO.13, HARONAHALLI,
1ST DIVISION, HARONAHALLI POST,
KANAKAPURA TALUK,
RAMANAGARA DISTRICT-562 112.
(OWNER OF THE VEHICLE BEARING NO.
KA-42-A-2506
MAHENDRA BOLERO PICK UP FB)

3. THE ICICI LOMBARD GENERAL
INSURANCE COMPANY LTD.,
C-22, 2ND FLOOR, MAXIMUS
COMMERCIAL COMPLEX,
LITE HOUSE, HILL ROAD,
HAMPANAKATTE,
MANGALORE-575 001.
(POLICY BEARING NO.
3003/88299085/00/000
KA-42/A-2506-MAHENDRA
BOLERO PICKUP FB)

…RESPONDENTS

THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER SECTION 100 OF CIVIL PROCEDURE CODE PRAYING TO SET ASIDE THE IMPUGNED ORDER PASSED BY THE HON'BLE SENIOR CIVIL JUDGE AND AMACT-15 AT SHIKARIPURA DATED 28.03.2026 IN MVC NO.818/2016 VIDE ANNEXURE - A AND (2) CONSEQUENTLY ALLOW THE CLAIM PETITION BY PASSING THE ORDER AGAINST THE RESPONDENTS TO COMPENSATE THE APPELLANTS FOR A SUM OF RS.39,50,000/- (RUPEES THIRTY NINE LAKHS FIFTY THOUSAND ONLY) ALONG WITH INTEREST AT THE RATE OF 14% PER ANNUM INCLUDING THE COST OF THIS APPEAL AND ETC.

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
and
HON'BLE MRS. JUSTICE N.V.BHAVANI

CNR: KAHC010654312026

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

A memo has been moved by learned Counsel for the appellants stating that due to an oversight, miscellaneous second appeal has been filed in place of miscellaneous first appeal, as the order impugned has been passed in a motor vehicle case passed by the Motor Accidents Claims Tribunal. He prays that this appeal may be permitted to be withdrawn with liberty to file a miscellaneous first appeal, in accordance with law.

2. The memo is accepted and this appeal is dismissed with liberty to the appellants to file a miscellaneous first appeal, if he is so advised, in accordance with law.

Sd/-
(JAYANT BANERJI)
JUDGE

Sd/-
(N.V.BHAVANI)
JUDGE

KSR
List No.: 2 Sl No.: 5