HC-KAR

NC: 2026:KHC:55519
RP No. 573 of 2026

CNR: KAHC010662312026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

REVIEW PETITION NO. 573 OF 2026

BETWEEN:

M/S NEW INDIA ASSURANCE COMPANY LIMITED
BY ITS MANAGER,
NO.09, 3RD FLOOR,
MAHALAKSHMI CHAMBERS, M.G. ROAD,
BENGALURU - 560 001.

…PETITIONER

(BY SRI. NAGARAJAIAH K., ADVOCATE)

AND:

1. SRI. DURAIRAJ J.
S/O V. JAYARAM,
AGE 54 YEARS,
R/AT NO.20-1, NEAR KISAN HOTEL,
SANGHAM ROAD, SIVAN CHETTY GARDEN,
BENGALURU - 560 042.

2. SMT. GANDHAM BHAVANI,
W/O SRI. SUBBA RAO,
AGED ABOUT 35 YEARS,
D.NO.61-3-6A, BALAJI NAGAR,
KRISHNALANKA, VIJAYAWADA,
KRISHNA DISTRICT,
ANDHRA PRADESHA - 520 013.

…RESPONDENTS

(BY SRI. GURUDEVA PRASAD K.T., ADVOCATE FOR R1;
VIDE ORDER DATED 30.09.2026, NOTICE TO R2 IS
DISPENSED WITH)

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SHIVASHANKAR BASAPPA
AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

THIS REVIEW PETITION IS FILED UNDER SECTION 114 R/W ORDER XLVII RULE 1 OF CPC, 1908 PRAYING TO REIVEW THE JUDGMENT AND AWARD DATED 02.09.2026 IN MFA NO.840/2026 (MV) PASSED BY THIS HON'BLE COURT, CONSEQUENTLY DISMISS THE APPEAL i.e. MFA NO. 840/2026 (MV) HOLDING THE 1ST RESPONDENT IS NOT ENTITLED FOR ANY ENHANCEMENT OF COMPENSATION

THIS PETITION COMING ON FOR ADMISSION THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

This Review Petition is filed by the Insurer seeking review of Judgment and Award dated 02.09.2026 passed in Miscellaneous First Appeal No.840/2026 and consequently to dismiss the Miscellaneous First Appeal No.840/2026.

2. Heard learned counsel for petitioner and learned counsel for respondent No.1/claimant.

3. Respondent No.1/claimant had filed claim petition in MVC No.1474/2023 before the Tribunal and the said claim petition came to be allowed by Judgment and Award dated 14.03.2024 and the total compensation of Rs.8,13,821/- with interest has been awarded. Respondent

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No.1/claimant filed MFA No.840/2026 before this Court seeking enhancement of the compensation.

4. Respondent No.1/claimant during pendency of the said appeal had initiated execution proceedings in Execution No.704/2025 before the Tribunal to execute the award passed in MVC No.1474/2023. The said execution case came to be referred to the Lok Adalath for settlement. In the said execution case, the matter came to be settled for a sum of Rs.7,25,000/- and the date of said settlement is 01.09.2025. The said settlement has not been brought to the notice of this Court in MFA No.840/2026. The said MFA No.840/2026 has been disposed off by Judgment and Award dated 02.09.2026. If the claimant would have brought to the notice of this Court the settlement of the matter in execution proceedings, this Court ought not to have decided the said appeal on merits.

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JUDGE, HIGH COURT OF KARNATAKA

5. Learned counsel for respondent No.1/claimant submits no objection to allow the review petition and dismiss MFA No.840/2026 by setting aside the Judgment and Award passed in MFA No.840/2026.

6. In view of the above, the following:

ORDER

*i) The Review Petition is **allowed**.*

*ii) The Judgment and Award dated 02.09.2026 passed in Miscellaneous First Appeal No.840/2026 is **set-aside.***

Learned counsel for respondent No.1/claimant is permitted to file vakalath within one week.

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AMARANNAVAR
JUDGE, HIGH COURT OF KARNATAKA

(SHIVASHANKAR AMARANNAVAR)
JUDGE

KLV
List No.: 2 Sl No.: 73