IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 19TH DAY OF MARCH, 2025

BEFORE

THE HON'BLE MR. JUSTICE C M JOSHI

MISCL. FIRST APPEAL NO.201035 OF 2019 (MV-I)

BETWEEN:

SOMAPPA S/O YAMUNAPPA,
AGE: 49 YEARS, OCC: PEON,
R/O RODALBANDA CAMP, TQ. LINGASUGUR,
DISTRICT RAICHUR,
NOW R/O SAIDAPUR,
TQ. AND DISTRICT YADGIR.

…APPELLANT

(BY SRI. VEERANAGOUDA MALIPATIL, ADVOCATE)

AND:

1. SHETTEPPA S/O GANKAPPA,
   AGE: 44 YEARS, OCC: DRIVER OF CRUISER
   JEEP BEARING REG. NO.KA-23-M-5709,
   R/O H.NO.19, NEAR BUS STAND, JENAGI,
   RAMPUR VILLAGE, TQ. LINGASUGUR,
   DISTRICT RAICHUR-571 313.

2. BAJAJ ALLIANZ GENERAL INS. CO. LTD.,
   KALABURAGI MANSON, 4TH FLOOR,
   OPP: MUNICIPAL CORPORATION LAMINGTON ROAD,
   HUBLI-580 009,
   THROUGH ITS DIVISIONAL MANAGER.

…RESPONDENTS

(BY SRI. SUDARSHAN M., ADV. FOR R2;
R1-SERVED)

Digitally signed by SHIVALEELA DATTATRAYA UDAGI
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, PRAYING TO ALLOW THE APPEAL, THE JUDGMENT AND AWARD DATED 22.11.2018 PASSED IN M.V.C. NO.234/2015 BY THE SENIOR CIVIL JUDGE AND C.J.M. AT YADGIRI, MAY KINDLY BE MODIFIED BY ENHANCING THE COMPENSATION AS CLAIMED IN THE CLAIM PETITION.

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

CORAM: HON'BLE MR. JUSTICE C M JOSHI

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE C M JOSHI)

Learned counsel for the appellant submits that appellant has died.

2. It is submitted that it is a case of injury and therefore, the cause of action do not survive upon the legal heirs of the appellant. Hence, the appeal is closed as abated.

Sd/-
(C M JOSHI)
JUDGE

SMP
List No.: 1 Sl No.: 60
CT: AK