HC-KAR

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 24TH DAY OF JUNE, 2025

PRESENT

THE HON'BLE MR. JUSTICE MOHAMMAD NAWAZ

AND

THE HON'BLE Mrs JUSTICE K S HEMALEKHA

MISCL. FIRST APPEAL NO. 202539 OF 2022 (MV-I)

C/W

MISCL. FIRST APPEAL NO. 202546 OF 2022

MISCL. FIRST APPEAL NO. 202548 OF 2022

IN MFA NO.202539/2022
BETWEEN:

Digitally signed by KHAJAAMEEN MALAGHAN
Location: HIGH COURT OF KARNATAKA

NARAYANRAO VITHALRAO KULKARNI
AGE 30, OCC. OWNER OF TRACTOR,
BEARING NO.KA-28/TA-7816,
AND TRAILER CHASIS NO.031011,
R/O.VIVEK NAGAR (EAST)
BASAVANA BAGEWADI ROAD,
VIJAYAPURA.

...APPELLANT

(BY SRI. NARENDRA REDDY,ADVOCATE)

AND:

1. MANJUNATH KHANDAPPA MADAR
   @ DODAMANI
   AGE 22 YEARS, OCC. MASON,
   R/O. KARJOL, TQ. VIJAYAPURA-585106.

2. THE BRANCH MANAGER
ORIENTAL INSURANCE CO. LTD.,
HANAMASHETTY BUILDING,
GURUKUL ROAD, VIJAYAPURA-585101.

…RESPONDENTS

THIS MFA IS FILED UNDER SECTION 173(1) OF MV ACT, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD DATED 03-01-2022 PASSED BY THE LEARNED MACT NO.XV IN MVC NO.113/2019 BY ALLOWING THE APPEAL AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY. II) THAT THE HON'BLE COURT MAY BE PLEASED TO MODIFY THE JUDGMENT AND AWARD DATED 03-01-2022 IN MVC NO.113/2019 ON THE FILE OF MACT NO.XV AND DIRECT THE RESPONDENT NO. 2 TO PAY THE COMPENSATION TO THE CLAIMANT BY EXONERATING THE APPELLANT HEREIN.

IN MFA NO.202546/2022
BETWEEN:

NARAYANRAO VITHALRAO KULKARNI
AGE 30, OCC. OWNER OF TRACTOR,
BEARING NO.KA-28/TA-7816,
AND TRAILER CHASIS NO.031011,
R/O.VIVEK NAGAR (EAST)
BASAVANA BAGEWADI ROAD,
VIJAYAPURA-586101.

…APPELLANT

(BY SRI. NARENDRA REDDY,ADVOCATE)

AND:

1. SURESH HUCHAPPA MADAR
AGE 37 YEARS, OCC. COOLIE,
R/O. KARJOL, TQ. VIJAYAPURA-586101.

2. THE BRANCH MANAGER
ORIENTAL INSURANCE CO. LTD.,
HANAMASHETTY BUILDING,
GURUKUL ROAD, VIJAYAPURA-586101.

…RESPONDENTS

THIS MFA IS FILED U/S. 173(1) OF MV ACT,1989, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD DATED 03-01-2022 PASSED BY THE LEARNED MACT NO. XV IN MVC NO.114/2019 BY ALLOWING THE APPEAL AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY. II) THAT THE HON'BLE COURT MAY BE PLEASED TO MODIFY THE JUDGMENT AND AWARD DATED 03-01-2022 IN MVC NO. 114/2019 ON THE FILE OF MACT NO. XV AND DIRECT THE RESPONDENT NO.2 TO PAY THE COMPENSATION TO THE CLAIMANT BY EXONERATING THE APPELLANT HEREIN.

IN MFA NO.202548/2022
BETWEEN:

NARAYANRAO VITHALRAO KULKARNI
AGE 30, OCC. OWNER OF TRACTOR,
BEARING NO.KA-28/TA-7816,
AND TRAILER CHASIS NO.031011,
R/O.VIVEK NAGAR (EAST)
BASAVANA BAGEWADI ROAD,
VIJAYAPURA-586101.

…APPELLANT

(BY SRI. NARENDRA REDDY,ADVOCATE)

AND:

1. SHIVAPPA HUCHAPPA MADAR
   AGE 43 YEARS, OCC. COOLIE,
   R/O. KARJOL, TQ. VIJAYAPURA-586101.

2. THE BRANCH MANAGER
   ORIENTAL INSURANCE CO. LTD.,
   HANAMASHETTY BUILDING,
   GURUKUL ROAD, VIJAYAPURA-586101.

…RESPONDENTS

THIS MFA IS FILED U/S.173(1) OF MV ACT,1989, PRAYING TO CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD DATED 03-01-2022 PASSED BY THE LEARNED MACT NO. XV IN MVC NO.115/2019 BY ALLOWING

THE APPEAL AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY. II) THAT THE HON'BLE COURT MAY BE PLEASED TO MODIFY THE JUDGMENT AND AWARD DATED 03-01-2022 IN MVC NO. 115/2019 ON THE FILE OF MACT NO.XV AND DIRECT THE RESPONDENT NO.2 TO PAY THE COMPENSATION TO THE CLAIMANT BY EXONERATING THE APPELLANT HEREIN.

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

CORAM: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ
AND
HON'BLE MRS JUSTICE K S HEMALEKHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE MOHAMMAD NAWAZ)

A memo is filed by the learned counsel appearing for the appellant in these appeals seeking to withdraw the appeals and to refund the amount deposited.

2. The memo is placed on record.

3. In light of the memo, appeals are ***dismissed as withdrawn.***

4. The statutory amount as well as the excess amount deposited in these appeals shall be refunded to the appellants.

5. Pending interlocutory applications in these appeals are disposed of.

Sd/-
(MOHAMMAD NAWAZ)
JUDGE

Sd-/
(K S HEMALEKHA)
JUDGE

THM
List No.: 1 Sl No.: 0
CT:JLR