

IN THE HIGH COURT OF KARNATAKA, CIRCUIT BENCH AT  
DHARWAD.

DATED THIS THE 25<sup>th</sup> DAY OF FEBRUARY 2010

BEFORE

THE HON'BLE MR.JUSTICE N.K.PATIL

Miscellaneous First Appeal (Cr.Ob)No. 34 of 2008(MV)  
In Miscellaneous First Appeal No.13357 of 2007

Between:

Sri. Balasaheb S/o  
Shrikant Baragale,  
Age about 28 years,  
Occ: Driver,  
R/o Shedbal Station,  
Tq: Athani,  
Dist: Belgaum,  
Through his legal representative  
Natural father Shrikant Paris  
Baragale, aged major,  
Occ: Agril,  
R/o Shedbal Station,  
Tq: Athani, Dist: Belgaum.

...Appellant

(By Sri. Jagadish Patil, Adv.)

And:

1. Sri. Balu Govind Gaikwad,  
Aged major, Occ: Agriculture,  
Tq: Shirol, Dist: Kolhapur,  
Maharashtra State.
2. The Divisional Manager,  
The National Insurance Co.,Ltd.,  
Ramdeo Galli, Belgaum,

.....Respondents



This MFA. Crob filed Under Order 41 Rule 22 of CPC, against the Judgment and Award dated 31/7/2007 passed in MVC No.1126/2004 on the file of the I Additional Civil Judge(Sr.Dn.) & Member, Addl. MACT, Belgaum, allowing the petition filed under Section 166 of MV Act.

This Cross objection coming on for orders this day, the Court delivered the following:

**JUDGMENT**

The instant cross-objection filed in M.F.A.No.13357 of 2007 on the ground the compensation awarded by the Tribunal is inadequate and requires enhancement.

2. Learned counsel for the cross-objector has filed a memo dated 04.01.2009 stating that in pursuance of the judgment and award dated 31.07.2007 passed in MVC No.1126/2004 on the file of the I Addl. Civil Judge (Sr.Dn.) & Member, Addl. MACT, Belgaum compensation is awarded in a sum of Rs.8,00,000/- with interest at 6% per annum. Therefore, learned counsel for the cross-objector seeks leave of this Court to withdraw the cross-objection.

3. The statement made in the memo dated 04.11.2009 is placed on record and the cross-objection filed by the cross-objector



is dismissed as not pressed at the risk of the counsel for the cross-objector. Ordered accordingly.

Sd/-  
JUDGE

Pmg/