

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 28TH DAY OF FEBRUARY 2013

BEFORE

THE HON'BLE MR.JUSTICE A.N.VENUGOPALA GOWDA
MISCELLANEOUS FIRST APPEAL NO.21318/2012 (LAC)

BETWEEN:

1. BALAPPA S/O. NINGAREDDEPPA BHAVIKATTI
SINCE DECEASED BY HIS LRS

1(a) SHARANAWWA W/O. BALAPPA BHAVIKATTI
AGE: 60 YEARS, OCC: HOUSEHOLD WORK,
R/O. ARAKERI, TQ: YELBURGA,
DIST: KOPPAL.

1(b) CHANNABASAVARADDY S/O. BALAPPA BHAVIKATTI
AGE: 40 YEARS, OCC: AGRICULTURE,
R/O. ARAKERI, TQ: YELBURGA,
DIST: KOPPAL

1(c) NINGARADDY S/O. BALAPPA BHAVIKATTI
AGE: 36 YEARS, OCC: AGRICULTURE,
R/O. ARAKERI, TQ: YELBURGA,
DIST: KOPPAL.APPELLANTS

[BY SHRI B.SHARANABASAWA, ADV.]

AND:

1. THE ASSISTANT COMMISSIONER,
& L.A.O. KOPPAL,
TQ & DIST: KOPPAL.

2. THE EXECUTIVE ENGINEER,
NO.1, T.B. DIVISION, MUNIRABAD,
TQ & DIST: KOPPAL. ...RESPONDENTS

(BY SMT. MEGHA C. KOLEKAR, HCGP)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 54(1) OF THE LA ACT AGAINST THE JUDGMENT AND AWARD DATED 10.08.2001 IN LAC NO.196/2000 ON THE FILE OF SENIOR CIVIL JUDGE, KOPPAL, PARTLY ALLOWING THE REFERENCE PETITION FOR COMPENSATION AND SEEKING ENAHANCEMET OF COMPENSATION.

THIS MISCELLANEOUS FIRST APPEAL COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING: -

JUDGMENT

M.A. No.24/2001 filed in the District Court at Koppal was returned on the ground of want of pecuniary jurisdiction and for presentation before this Court. The said order was passed on 17.04.2006. However, the returned appeal memorandum was obtained only on 17.03.2012 and was presented in this Court on 19.03.2012, by paying further Court fee of Rs.15/- and with defects.

2. Heard the learned counsel on both sides. Accepting the cause shown, delay in filing this appeal is condoned, denying interest for the delay period on the

enhanced award amount, if any, to the appellants, as and when and when the appeal is decided. I.A.No.01/2013 is allowed accordingly.

3. In view of Section 19 of the Karnataka Civil Courts Act, 1964, as amended by Act No.26/2007 the appeal up to the value of Rs.10,00,000/- could be filed in the District Court. Though the appeal was ordered to be returned, the return having been obtained only on 17.03.2012 and presented on 19.03.2012, in view of the said amendment, this appeal is required to be returned to the LRs. of the deceased appellant for representation before the District Court at Koppal.

4. However, the LRs. of the appellant have delayed the obtaining of the return of appeal memorandum and presentation of the appeal in this Court. That apart, they have paid the deficit court fee of Rs.4,862/-, only on 22.02.2013, the appellants are denied the interest on the enhanced compensation amount, if any, for the period commencing from

28.08.2007 till the deficit court fee of Rs.4,862/- was remitted on 22.02.2013.

5. Registry is directed to return the appeal memorandum to the learned advocate for the LRs. of the appellant before 16.03.2013. The appeal be represented before the District Court within one week from the date of obtaining of return. The District Court to decide the appeal expeditiously and deny the interest, as above, in case any enhancement of compensation is awarded by it to the claimants.

Ordered accordingly.

Sd/-
JUDGE

Rsh