

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF FEBRUARY 2016

BEFORE

THE HON'BLE MR. JUSTICE RAM MOHAN REDDY

MISCELLANEOUS FIRST APPEAL No.8712/2011(MV)

BETWEEN:

D. RAJENDRA KUMAR DAGA
S/O SOHANLAL
AGED ABOUT 48 YEARS,
R/A OPP GOVERNMENT PU COLLEGE,
KADUR.

... APPELLANT

(By SRI. K.N. NITESH, ADV., FOR
SRI. K.V NARASIMHAN, ADV.,)

AND

1. SMT VASANTHA
AGED ABOUT 26 YEARS
2. MASTER YASHWANTH
S/O. SMT VASANTHA
AGED ABOUT 8 YEARS

RESPONDENT NO.2 IS A MINOR,
HE IS REPRESENTED BY HIS NATURAL
GUARDIAN MOTHER I.E.,
THE RESPONDENT,

BOTH ARE R/A INDIRAGANDHI,
EXTENSION, KALLUDODDI
INDAVARA POST,
CHIKMAGALUR TQ.

3. YUNAS BASHA
S/O H.A ABUBAKER,
AGED ABOUT 53 YEARS,
R/O.SUBHAS NAGAR,
BHOVI COLONY, KADUR.
4. NATIONAL INSURANCE CO LTD
REP. BY ITS MANAGER
2ND FLOOR, YASHORAM CHAMBERS
R.G ROAD,
CHIKAMAGALUR.
5. SMT. SHANKARAMMA
W/O LATE THIMMAIAH
R/O KALLENAHALLI VILLAGE,
SHIVANI HOBLI, TARIKERE TQ
CHIKMAGALUR DISTRICT

... RESPONDENTS

(By Sri. N.R RAVIKUMAR, ADV., FOR R1 & R2;
R3 SERVED AND UNREPRESENTED;
SRI. A.M. VENKATESH ADV., FOR R4;
SRI. K.N. LINGARAJU, ADV., FOR R5)

THIS MISCELLANEOUS FIRST APPEAL FILED UNDER SECTION 173(1) OF THE MOTOR VEHICLES ACT, 1988, AGAINST THE JUDGMENT AND AWARD DATED 30.4.2011 PASSED IN MVC NO.485/2008 ON THE FILE OF C/c ADDITIONAL DISTRICT JUDGE AND MMACT, CHIKMAGALUR, AWARDED A COMPENSATION OF RS.5,74,000/- WITH INTEREST @ 6% P.A. FROM THE DATE OF PETITION TILL REALISATION.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, THE COURT DELIVERED THE FOLLOWING:

J U D G M E N T

Owner of the motor vehicle being a lorry bearing Certificate of Registration KA.18/9403 aggrieved by the common judgment and award dated 30th April 2011 in MVC No.704/2008 and connected petitions insofar as it relates to MVC 485/2008 has presented this appeal.

2. Indisputably, the appellant when arraigned as respondent No.2 in MVC 485/2008 though served with notice remained absent and unrepresented, hence was placed *exparte* before the Motor Accident Claims Tribunal. That order when not called in question in this appeal, the appeal deserves to be dismissed.

The amount in deposit is directed to be transmitted to the MACT forthwith.

Sd/-
JUDGE

Ia