

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 31ST DAY OF OCTOBER, 2018

BEFORE

THE HON'BLE Dr.JUSTICE VINEET KOTHARI

M.F.A. NO.4763/2015

C/W

M.F.A. NO.8236/2015 (MV)

M.F.A. NO.4763/2015

BETWEEN

SRI. BASAVARAJU
S/O MUNIYAPPA
MAJOR
R/AT. No.13, MALLIMAKANAPURA
VILLAGE, HOSKOTE TALUK
BANGALORE RURAL DISTRICT-562114.

... APPELLANT

(By Mr. MANJUNATHA H.A. ADV., FOR
Mr. G. NARASI REDDY, ADV.,)

AND:

1. SMT. PARVATHAMMA
W/O LATE KRISHNAPPA
AGED ABOUT 43 YEARS.
2. SRI. PRASHANTH
S/O LATE KRISHNAPPA
AGED ABOUT 23 YEARS.
3. SRI. NANDAKUMAR
S/O LATE KRISHNAPPA
AGED ABOUT 19 YEARS.
4. SRI. MUNIYAPPA @
MUNISHAMAPPA
S/O LATE KONDAPPA
AGED ABOUT 77 YEARS.

5. SMT. GOWRAMMA
W/O MUNIYAPPA @ MUNISHAMAPPA
AGED ABOUT 70 YEARS.

ALL ARE RESIDING AT
KAMBALIPURA VILLAGE
HASIGALA POST
HOSAKOTE TALUK
BANGALORE RURAL DISTRICT-562114.

...RESPONDENTS

(By Mr. D. NAGARAJA REDDY, ADV., FOR R1 TO R4)

THIS MFA IS FILED UNDER SECTION 173(1) OF M.V. ACT,
AGAINST THE JUDGMENT AND AWARD DATED 28-3-2015
PASSED IN MVC No.11/2013 ON THE FILE OF THE FAST TRACK
COURT-II, BANGALORE RURAL DISTRICT, BENGALURU,
AWARDING A COMPENSATION OF Rs.23,48,250/- WITH
INTEREST @ 9% P.A. FROM THE DATE OF PETITION TILL
REALIZATION.

M.F.A. NO.8236/2015

BETWEEN

1. SMT. PARVATHAMMA
AGED ABOUT 43 YEARS
W/O LATE KRISHNAPPA.
2. PRASHANTH
AGED ABOUT 23 YEARS
S/O LATE KRISHNAPPA.
3. MASTER NANDAKUMAR
AGED ABOUT 19 YEARS
S/O LATE KRISHNAPPA.
4. SRI. MUNIYAPPA
AGED ABOUT 77 YEARS
S/O LATE KONDAPPA.

ALL ARE RESIDING AT
KAMBALIPURA VILLAGE

HASIGALA POST
HOSAKOTE TALUK
BANGALORE RURAL DISTRICT-562114.

... APPELLANTS

(By Mr. D. NAGARAJA REDDY, ADV.,)

AND:

BASAVARAJU
MAJOR
S/O MUNIYAPPA
R/O. MALLIMAKANAPURA VILLAGE
HOSAKOTE TALUK
BANGALORE RURAL DISTRICT
BANGALORE-562114.

...RESPONDENT

THIS MFA IS FILED UNDER SECTION 173(1) OF M.V. ACT,
AGAINST THE JUDGMENT AND AWARD DATED 28-03-2015
PASSED IN MVC No.11/2013 ON THE FILE OF THE FAST TRACK
COURT-II, BANGALORE RURAL DISTRICT, BANGALORE, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND
SEEKING ENHANCEMENT OF COMPENSATION.

THESE MFAs COMING ON FOR ORDERS, THIS DAY, THE
COURT DELIVERED THE FOLLOWING:

JUDGMENT

Mr. Manjunatha H.A. Adv. for
Mr. G. Narasi Reddy, Adv. for Appellants
Mr. D. Nagaraja Reddy, Adv. for R1 to R4 in MFA No.4763/2015
and for Appellants in MFA No.8236/2015

MFA No.4763/2015 is filed by one Basavaraju-owner
of the vehicle and **MFA No.8236/2015** is filed by the
claimants.

2. Both the learned counsels submit that since the
dispute has been settled out of the Court by a compromise,

both the appeals have become infructuous and the same may be dismissed as not pressed.

3. A Joint Memo dated **31.10.2018** is filed today and the same is taken on record and as per the compromise a sum of **Rs.10,00,000/-** stands paid to the claimants and the learned counsel for the appellant-owner of the vehicle has prayed that the statutory deposit of **Rs.25,000/-** in **MFA No.4763/2015** by **DD No.014801** drawn on **Nyayamitra Bank, High Court of Karnataka** dated **29.09.2015** for maintaining his appeal may be refunded back to the Respondent-owner of the vehicle.

4. The prayer seems to be genuine.

5. Therefore, ordered accordingly. The Registrar may take steps to refund that amount to the appellant-owner of the vehicle.

**Sd/-
JUDGE**