

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

DATED THIS THE 28<sup>TH</sup> DAY OF SEPTEMBER 2018

BEFORE:

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

**MISCELLANEOUS FIRST APPEAL No.6960/2017 [AA]**

**BETWEEN:**

M.D. KAPANAIAH,  
S/O. DODDA HONNAIAH,  
AGED 75 YEARS,  
RESIDING AT MADUGIRI PALYA,  
GOTTIGERE DAKALE,  
HUTRIDURGA HOBLOI,  
KUNIGAL TALUK.

... APPELLANT

[BY SRI. B.N. SHIVANNA, ADVOCATE]

**AND:**

1. THE PROGRAMME DIRECTOR,  
NATIONAL HIGHWAY AUTHORITY,  
NH-48, BENGALURU.
2. THE SPECIAL LAND ACQUISITION  
OFFICER AND COMPETENT AUTHORITY,  
NATIONAL HIGHWAY AUTHORITY,  
(NELAMANGALA-HASSAN DIVISION),  
KUNITAL TALUK,  
TUMKUR DISTRICT.
3. THE TECHNICAL MANAGER,  
NATIONAL HIGHWAY AUTHORITY OF INIDA,  
BENGALURU.

4. THE DEPUTY COMMISSIONER AND  
ARBITRATOR (N.H.48),  
MINI VIDHANA SOUDHA,  
TUMKURU DISTRICT,  
TUMKURU.

... RESPONDENTS

\* \* \*

THIS MFA IS FILED UNDER SECTION 37(C) OF THE ARBITRATION AND CONCILIATION ACT, 1966 PRAYING TO SET ASIDE THE ORDER PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE DATED 09.02.2016 IN A.A.NO.36/2015 AND GRANT THE BALANCE ENHANCED COMPENSATION OF RS.1,10,37,352/-.

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

### **JUDGMENT**

In view of the order passed by this Court on 05.07.2018, adjournment was granted for compliance of the office objections on cost of Rs.250/-.

2. The office objections have not been complied nor the cost has been paid. Further, the appellant and learned counsel for the appellant remained absent. It shows that the appellant is not interested to proceed with the matter.

Hence, the appeal is dismissed for non-compliance as well as non-payment of cost.

**Sd/-  
JUDGE.**

Ksm\*  
CT-JLR