



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

**DATED THIS THE 28<sup>TH</sup> DAY OF FEBRUARY, 2025**

**PRESENT**

**THE HON'BLE MR JUSTICE V KAMESWAR RAO**

**AND**

**THE HON'BLE MR JUSTICE T.M.NADAF**

**COMMERCIAL APPEAL NO.2 OF 2024**

**BETWEEN:**

NATIONAL HIGHWAYS AUTHORITY OF INDIA  
PROJECT IMPLEMENTATION UNIT-MANGALORE,  
DOOR NO.3-29, "BETHEL",  
THARETHOTA, NEAR PUMPWELL (NH-66)  
MANGALORE – 575 002  
REP BY ITS PROJECT DIRECTOR,  
H S LINGEGOWDA

...APPELLANT

(BY MS. R SHALINI, ADVOCATE FOR  
SRI. PRAKASHA ANGADI B V, ADVOCATE)

**AND:**

1. SMT. LAXMI M BANGER  
W/O LATE MONAPPA BANGER,  
R/AT FLAT NO.306, DAMA RESIDENCY,  
MANGALURU TALUK – 575 001
2. THE ARBITRATOR AND  
DEPUTY COMMISSIONER  
D K DISTRICT,  
MANGALORE – 575 001
3. THE SPECIAL LAND ACQUISITION OFFICER  
AND COMPETENT AUTHORITY,  
NHAI, N.G.O.S BUILDING,





MINI VIDHANA SOUDHA  
COMPOUND, MANGALURU – 575 001

...RESPONDENTS  
(BY SMT. SARITHA KULKARNI, AGA FOR R3)

THIS COMAP IS FILED UNDER SECTION 13 (1)(a) OF THE COMMERCIAL COURT ACT, 2015 PRAYING TO SET ASIDE THE JUDGMENT DATED 10.02.2023 IN THE SUIT A.P NO.77/2022 PASSED BY THE HON'BLE IV ADDL. DISTRICT AND SESSIONS JUDGE, D.K. DISTRICT, MANGALORE, CONSEQUENTLY SET ASIDE THE ARBITRAL AWARD/ORDER IN NO.C.DIS.ARB(2)NH/LAQ/CR-131/2017-18 DATED 19.04.2022 PASSED BY THE 2<sup>ND</sup> RESPONDENT INSOFAR AS THE ENHANCEMENT MADE BY THE 2<sup>ND</sup> RESPONDENT AND ALLOW THE APPEAL WITH COST AND GRANT SUCH OF THE RELIEF AS THIS HON'BLE COURT DEEMS FIT TO GRANT IN THE CIRCUMSTANCES OF THIS CASE, IN THE INTEREST OF JUSTICE.

THIS APPEAL COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE V KAMESWAR RAO  
and  
HON'BLE MR JUSTICE T.M.NADAF

**ORAL JUDGMENT**

(PER: HON'BLE MR JUSTICE V KAMESWAR RAO)

Learned counsel for the appellant has drawn our attention to memo for withdrawal dated 24.10.2024, which reads as under:-



*"The above appeal filed challenging the Judgment dt:10.02.2023 passed by the Hon'ble District Court, Mangalore in A.P 77/2022.*

*In view of the approval of the Competent Authority for implementation of the Arbitral Award, the Appellant prays this Hon'ble Court be pleased to permit the Appellant to withdraw the above case. The copy of the approval letter is produced herewith and marked as Annexure-R1.*

*Wherefore, the Appellant seeks leave of this Hon'ble Court to withdraw the above case, in the interest of justice."*

2. Learned counsel for the appellant reiterates the prayer for withdrawing the appeal.

3. Accordingly, appeal is ***dismissed as withdrawn.***

**Sd/-  
(V KAMESWAR RAO)  
JUDGE**

**Sd/-  
(T.M.NADAF)  
JUDGE**

MH/-  
List No.: 1 SI No.: 11