

MFA NO. 101142/2015 (AA)
C/w: MFA NO. 103185/2015

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

[NATIONAL HIGH WAY AUTHORITY OF INDIA VS. DURGAPPA AND
ANOTHER]

26.03.2026

(VIDEO CONFERENCING / PHYSICAL HEARING)

CORAM: HON'BLE MR JUSTICE B.M.SHYAM PRASAD
and
HON'BLE MR JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL ORDER

(PER: HON'BLE MR JUSTICE B.M.SHYAM PRASAD)

Orders on I.A. No.1 of 2024 in MFA No.103185/2025:

The controversy in these appeals is about the compensation payable towards "Business Loss". The District Court, while deciding on the merits of the appeal and an application under Section 34 of the Arbitration and Conciliation Act, has affirmed the award in this regard. This Court has initially called upon the appellant in MFA No.101142 of 2015 to deposit 50% of the amount payable by the appellant on 29.01.2018.

This Court has next permitted the appellant in MFA No.103185 of 2015 [*the respondent in this appeal in MFA No.101142 of 2015 and hereafter referred to as 'the applicant'*] to withdraw 50% of the amount. The Office note states that the

applicant has withdrawn this amount and the balance with accrued interest is invested in a Fixed Deposit.

This Court on 17.03.2023 has disposed of these appeals affirming that the respondent will be entitled for compensation even towards Business Loss. This would mean that the applicant must be given the benefit of the amount in deposit. However, this Court's order dated 17.03.2023 is silent about this, and therefore, the present application.

Sri Laxman T. Mantagani, the learned counsel for the respondent No.1 is heard, and this Court finds it appropriate to dispose of this application directing the Registry to return the amount invested along with accrued interest to the applicant. The applicant is reserved with liberty to file account details with the Registry for due transfer of the amount.

(B.M.SHYAM PRASAD)
JUDGE

(SHIVASHANKAR AMARANNAVAR)
JUDGE

Vnp & Rsh
List No.: 3 Sl No.: 12