



IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 21ST DAY OF AUGUST 2025

PRESENT

THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

MISCELLANEOUS FIRST APPEAL NO. 101136 OF 2016 (MV-D)

C/W MISCELLANEOUS FIRST APPEAL NO. 100551 OF 2017

IN MFA NO.101136 OF 2016:

BETWEEN:

MALLIKARJUN S/O. GIRIMALLAPPA SHEGUNSHI
OCC: BUSINESS, R/O: HARUGERI,
TQ: RAIBAG,
DIST: BELAGAVI.

...APPELLANT

(BY SRI. VITTHAL S.TELI, ADVOCATE)

AND:

1. MAHAMMAD IMTIYAZ
S/O. NISARAHMAD PENDARI,
AGE: 27 YEARS, OCC: COOLIE.
2. KUM. MOHAMMAD MAAZ
S/O. IMTIYAZ PENDARI,
AGE: 3 YEARS, OCC: NIL,
SINCE MINOR REP. BY FATHER.
3. SMT. JAYARABI W/O. NISARAHMAD PENDARI
AGE: 46 YEARS, OCC: HOUSEHOLD WORK.
4. SHRI. NISARAHMAD S/O. HASHMSAB PENDARI
AGE: 62 YEARS, OCC: NIL,

ALL ARE R/O: H.NO.286/1, 2ND CROSS,
GANDHINAGAR, BELAGAVI.
5. SMT. RAFIQ S/O. IBRAHIM JAMADAR



AGE: MAJOR, OCC: BUSINESS (HANDICAP),
R/O: HARUGERI, TQ: RAIBAG,
DIST: BELAGAVI.

...RESPONDENTS

(BY SRI. HANUMANT R.LATUR, ADVOCATE FOR R1 TO R4;
R2 IS MINOR REP. BY R1; NOTICE TO R5 IS SERVED)

THIS MFA IS FILED U/S.173(1) OF MV ACT AGAINST THE
JUDGMENT AND AWARD DATED 23.03.2016 PASSED IN MVC
NO.2465/2014 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND
SESSIONS JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT
CLAIMS TRIBUNAL, BELAGAVI, AWARDING THE COMPENSTION OF
RS.6,54,000/- WITH INTEREST AT THE RATE OF 9% P.A., FROM THE
DATE OF PETITION TILL ITS REALISATION.

IN MFA NO.100551 OF 2017:

BETWEEN:

1. MAHAMMAD IMTIYAZ
S/O. NISARAHAMAD PENDARI,
AGE: 28 YEARS, OCC: COOLIE,
R/O: HOUSE NO.286/1, 2ND CROSS,
GANDHI NAGAR, BELAGAVI-590001,
TQ AND DIST: BELAGAVI.
2. KUM. MOHAMMAD MAAZ S/O. IMTIYAZ PENDARI
AGE: 3 YEARS, OCC: NIL,
R/O: HOUSE NO.286/1, 2ND CROSS,
GANDHI NAGAR, BELAGAVI-590001,
TQ AND DIST: BELAGAVI.

SINCE APPELLANT NO.2 IS MINOR
R/BY HIS NATURAL FATHER AND
MINOR GUARDIAN APPELLANT NO.1.

MAHAMMAD IMTIYAZ
S/O. NISARAHAMAD PENDARI,
AGE: 28 YEARS, OCC: COOLIE,
R/O: HOUSE NO.286/1, 2ND CROSS,



NC: 2025:KHC-D:10596-DB
MFA No. 101136 of 2016
C/W MFA No. 100551 of 2017

GANDHI NAGAR, BELAGAVI-590001,
TQ AND DIST: BELAGAVI.

3. SMT. JAYARABI W/O. NISARAHMAD PENDARI
AGE: 48 YEARS, OCC: NIL,
R/O: HOUSE NO.286/1, 2ND CROSS,
GANDHI NAGAR, BELAGAVI-590001,
TQ AND DIST: BELAGAVI-590001.
4. SHRI. NISARAHMAD S/O. HASHIMSAB PENDARI
AGE: 63 YEARS, OCC: NIL,
R/O: HOUSE NO.286/1, 2ND CROSS,
GANDHI NAGAR, BELAGAVI-590001,
TQ AND DIST: BELAGAVI.

...APPELLANTS

(BY SRI. HANAMANT R.LATUR, ADVOCATE)

AND:

1. MALLIKARJUN S/O. GIRIMALLAPPA SHEGUNSHI
AGE: 50 YEARS, OCC: BUSINESS,
R/O: HARUGERI-591220,
TQ: RAIBAGI,
DIST: BELAGAVI.
2. SHRI. RAFIQ S/O. IBRAHIM JAMADAR
AGE: 45 YEARS, OCC: BUSINESS,
R/O: HARUGERI-591220,
TQ: RAIBAG,
DIST: BELAGAVI.

...RESPONDENTS

(BY SRI. VITTHAL S.TELI, ADVOCATE FOR R1;
NOTICE TO R2 IS SERVED)

THIS MFA IS FILED U/S.173(1) OF MOTOR VEHICLES ACT,
AGAINST THE JUDGMENT AND AWARD DATED 23.03.2016 PASSED
IN MVC NO.2465/2014 ON THE FILE OF THE VI ADDITIONAL
DISTRICT AND SESSIONS JUDGE AND MEMBER, ADDITIONAL
MOTOR ACCIDENT CLAIMS TRIBUNAL, BELAGAVI, PARTLY ALLOWING
THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



THESE APPEALS COMING ON FOR FINAL HEARING, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE S.SUNIL DUTT YADAV
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

ORAL ORDER

(PER: THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL)

MFA No.101136/2016 is filed by the owner of the vehicle in question challenging the judgment and award dated 23.03.2016 passed in MVC No.2465/2014 by the learned VI Addl. District and Sessions Judge & Member, Addl. MACT, Belagavi, whereas the claimants are in appeal in MFA No.100551/2017 seeking enhancement of compensation.

2. It is submitted by learned counsel Sri. Vitthal S Teli for the appellant/owner and learned counsel Sri. Hanamant R Latur for the appellants/claimants that dispute between the parties is resolved in Execution Petition No.33/2018 pending before the learned Principal Senior Civil Judge, Raibag. To that effect, a copy of the execution petition and joint memo is placed on record. We have perused the same.



3. In view of the aforesaid submission, these appeals are ***dismissed*** as having become infructuous.

Pending applications, if any, are disposed off as not surviving for consideration.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

JTR
Ct:vh