



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

AND

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCL. FIRST APPEAL NO.201639 OF 2025 (MV-I)

BETWEEN:

THE DIVISIONAL MANAGER,
THE NEW INDIA ASSURANCE CO. LTD.,
SECOND FLOOR, OPP. SBI,
SANGAMESHWAR NAGAR,
S. B. TEMPLE ROAD,
BRAHMAPUR, KALABURAGI-585103.

...APPELLANT

(BY SRI MANVENDRA REDDY, ADVOCATE)

AND:

1. GOUTAM S/O RAJAPPA MELKERI,
AGE: 21 YEARS, OCC: NOW NIL,
AFTER ACCIDENT.
R/O HUVEENAHALLI, BANDARWAD
TQ. AFZALPUR, DIST. KALABURAGI.
2. MANMATHAPPA S/O BASAPPA WARAD,
AGE: MAJOR, OCC: OWNER OF OFFENDING
SCORPIO BEARING REG. NO.MH-13/AZ-0768,
R/O. 7, BHAVANI PETH TULJAPUR,
RUPA BHAVANI ROAD, SOLAPUR-413002.
(MAHARASHTRA).

...RESPONDENTS

THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR
VEHICLE ACT, PRAYING TO CALL FOR THE RECORDS AND SET
ASIDE THE JUDGMENT AND AWARD DATED 20.01.2024 PASSED

Digitally signed by
SHILPA R
TENHALLI
Location: HIGH
COURT OF
KARNATAKA



BY THE III ADDL. SENIOR CIVIL JUDGE AND MACT,
KALABURAGI IN MVC NO.891/2021 BY ALLOWING THE APPEAL
AS PRAYED FOR IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
and
HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. Appellant is before this Court seeking for the following relief:

"The appellant respectfully praying this Court to call for the records and set aside the Judgment and award dated 20.01.2024 passed by the III Addl. Senior Civil Judge and MACT, Kalaburagi in MVC No.891/2021 by allowing the appeal as prayed for in the interest of justice and equity."

2. A memo for withdrawal dated 26.03.2026 has been filed which reads as under:

"In the above case the appellant has preferred the appeal challenging the judgment and award in MVC No.891/2021 dated 20.01.2024 on the file of III Addl. Senior Civil Judge & MACT Kalaburagi. That the very appellant inadvertently has preferred another appeal in MFA No.201699/2025 and this Hon'ble Court was pleased to issue notice and grant interim order of stay in the matter. In view of these set of facts the appellant craves leave of this Hon'ble Court to kindly



dismiss the above appeal as withdrawn with a liberty to pursue the appeal in MFA No.201699/2025, as such the above appeal may be dismissed as withdrawn, in the interest of justice and equity."

3. Accepting the said memo and submission of counsel for the appellant, the above appeal is dismissed with liberty to pursue the other appeal in MFA No.201699/2025.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**

**Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE**

SRT
List No.: 2 SI No.: 3
Ct:SI