



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.200793 OF 2026 (MV-I)

BETWEEN:

THE MANAGER,
THE NEW INDIA ASSURANCE COMPANY LIMITED,
BRANCH OFFICE, #8-9-265/313,
1ST FLOOR, PADMA KUJA COMPLEX,
ABOVE I.D.B.I BANK, UDGIR ROAD,
BIDAR-585401.
REPRESENTED BY DIVISIONAL MANAGER,
DIVISIONAL OFFICE, KALABURAGI.

...APPELLANT

(BY SRI UDAY P. HONGUNTIKAR, ADVOCATE)

AND:

1. SANJEEVKUMAR,
S/O BABU RAO MANKARI,
AGE: 48 YEARS, OCC: ELECTRICIAN & PLUMBER,
R/O JANTHI VILLAGE, TQ. BHALKI,
DIST. BIDAR-585413.
2. SOMASHEKHAR S/O ANNEPPA PATIL,
AGE: MAJOR, OCC: BUSINESS,
R/O H.NO.09-04-58,
B.V.B. COLLEGE ROAD, SAI COLONY,
NEAR BAMGODESHWAR CIRCLE,
BIDAR-585401 (OWNER OF ASHOK LEYLAND
LORRY NO.TS-12/UD-6559).
DIST. KRISHNAGIRI, TAMIL NADU-635001.

...RESPONDENTS

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



THIS MFA IS FILED UNDER SECTION 173(1) OF MOTOR VEHICLE ACT, PRAYING TO CALL FOR THE RECORDS IN MVC NO.695/2023 ON THE FILE OF THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AND MEMBER OF MACT AT BHALKI DATED 09.06.2025, B) SET ASIDE THE JUDGMENT AND AWARD DATED 09.06.2025 IN MVC NO.695/2023 PASSED BY THE HON'BLE SENIOR CIVIL JUDGE AND JMFC AND MEMBER OF MACT AT BHALKI BY ALLOWING THE APPEAL 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:

- "a) *Call for the records in MVC No.695/2023 on the file of the Hon'ble Senior Civil Judge and JMFC and Member of MACT at Bhalki dated 09.06.2025.*
- b) *Set aside the Judgment and Award dated 09.06.2025 in MVC No.695/2023 passed by the Hon'ble Senior Civil Judge and JMFC and Member of MACT at Bhalki by allowing the appeal in the interest of justice and equity."*



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

"The petitioner/appellant above named humbly submits as follows:

In the above matter, on the instruction from the Insurance Company, an appeal was filed. However, I am informed by the Insurance Company that the Appeal was filed before by some other panel advocate. The Appeal was filed bonafidely. The Appellant be permitted to withdraw the Appeal in the interest of justice and equity. The Appellant be permitted to receive the Certified/Original copy of the judgment and award."

3. Strangely, the Insurance Company has filed two appeals challenging the very same order, though by two different panel counsels, the Insurance Company ought to have been much more careful in ascertaining whether an appeal has been filed by another counsel, since the vakalathnama has to be signed by a representative of the said Insurance Company.
4. In view of another appeal having been filed in MFA No.200655/2026, the above appeal is dismissed as withdrawn, permitting the appellant to prosecute MFA No.200655/2026.



NC: 2026:KHC-K:2715-DB
MFA No. 200793 of 2026

5. Registry is directed to return all original and certified copies filed, by following due procedure.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

SRT
List No.: 2 Sl No.: 8
Ct:si