



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

MISCL. FIRST APPEAL NO. 202114 OF 2022 (MV-D)

BETWEEN:

KHAMRUN BEE W/O MAQBOOL,
AGE: 50 YEARS, OCC: HOUSEHOLD,
R/O VILLAGE LAKHANGAON, TQ. BHALKI,
DIST. BIDAR-585411.

...APPELLANT

(BY SRI. SYED FAYAZUDDIN, ADVOCATE)

AND:

1. RAVIKANTH S/O YADAVRAO,
AGE: 51 YEARS, OCC: LABOUR,
R/O VILLAGE LAKHANGAON, TQ. BHALKI,
DIST. BIDAR-585411.

2. ANUSAYA W/O RAVIKANTH,
AGE: 51 YEARS, OCC: LABOUR,
R/O VILLAGE LAKHANGAON, TQ. BHALKI,
DIST. BIDAR-585411.

...RESPONDENTS

(R1 & R2 ARE SERVED)

THIS MFA IS FILED U/S 173 (1) OF MV ACT, PRAYING TO
ALLOW THE APPEAL AS UNDER1) SET ASIDE THE JUDGMENT
AND AWARD PASSED IN MVC NO.492/2019 DATED 31/08/2021





PASSED BY THE SENIOR CIVIL JUDGE COURT AND ADDL. MACT, BHALKI. 2) ANY OTHER RELIEF MAY BE GRANTED TO WHICH THE HON'BLE COURT FEELS THE APPELLANT IS ENTITLED. 3) COST OF THE APPEAL MAY BE GRANTED.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL JUDGMENT

This appeal is directed against the judgment and award dated 31.08.2021 passed in MVC No. 492 of 2019 by the Senior Civil Judge and Additional MACT, Bhalki (for short, "the Tribunal"), awarding compensation to the claimants.

2. For the sake of convenience, the parties in this appeal shall be referred to according to their status and ranking before the Tribunal.

3. I have heard Sri Syed Fayazuddin, learned counsel appearing for the appellant. Though the



respondents were served with notice, they remained absent.

4. In light of the arguments advanced by the learned counsel for the appellant, it is contended that the appellant herein was placed ex-parte before the Tribunal. A perusal of the order sheet dated 05.03.2021 by the Tribunal indicate that notice to the respondent therein (appellant herein) was shown as served personally and, as he was not present, he was placed ex-parte. However, a perusal of the records reveal that the notice issued by the Tribunal was not personally served on the respondent by the Bailiff. In that view of the matter, I am of the opinion that the contention raised by the learned counsel for the appellant deserves to be accepted. Accordingly, I pass the following:



ORDER

- i. The appeal is ***allowed***.
- ii. The judgment and award dated 31.08.2021 passed in MVC No. 492 of 2019 on the file of the Senior Civil Judge and Additional MACT, Bhalki, is set aside.
- iii. The matter is remitted to the Tribunal for fresh consideration, after issuing notice to all the parties concerned and affording them an opportunity of hearing.
- iv. The Tribunal is requested to dispose of the claim petition at the earliest.

**Sd/-
(E.S.INDIRESH)
JUDGE**

SB
List No.: 1 Sl No.: 11
CT:PK