



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 26<sup>TH</sup> DAY OF OCTOBER, 2023**

**PRESENT**

**THE HON'BLE MR JUSTICE K.SOMASHEKAR**

**AND**

**THE HON'BLE MR JUSTICE RAJESH RAI K**

MISCELLANEOUS FIRST APPEAL NO. 7372 OF 2019 (MV-D)

**BETWEEN:**

1. SMT. MAMATHA S R  
W/O LATE UMESH H S  
AGED ABOUT 27 YEARS

2. JAHNAVI U  
D/O LATE UMESH H S  
AGED ABOUT 8 YEARS

3. HARSHITH U  
S/O LATE UMESH H S  
NOW AGED ABOUT 4½ YEARS



APPELLANTS 2 AND 3 ARE MINOR  
REPRESENTED BY NATURAL GUARDIAN/  
THEIR MOTHER  
1<sup>ST</sup> APPELLANT HEREIN

ALL ARE R/AT BAIRAPPANAPALYA  
HEGGUNDA  
BANGALORE RURAL-562111.

ALSO AT C/O SHOBA, SIDDARAHALLI  
THOLALU POST, AREHALLI HOBLI  
BELUR TALUK , HASSAN DISTRICT-573115.

...APPELLANTS

(BY SRI. T.A.KARUMBIAIAH - ADVOCATE)



**AND:**

1. SRI. K SULAIMAN BEARY  
S/O AHAMED BEARY  
MAJOR IN AGE  
KADEMAR HOUSE  
BELTHANGADI  
DAKSHINA KANNADA-574214.
2. UNITED INDIA INSURANCE COMPANY LTD  
REGIONAL OFFICE, 5<sup>TH</sup> FLOOR  
KRUSHI BHAVAN  
NRUPATHUNGA ROAD  
HUDSON CIRCLE  
BENGALURU-560001  
BY ITS MANAGER.
3. SRI V SIDDARAMAIAH  
S/O VENKATAPPA,  
NOW AGED ABOUT 62 YEARS
4. SMT JAYAMMA  
W/O V SIDDARANGAIAH  
NOW AGED ABOUT 56 YEARS

RESPONDENTS NO.3 AND 4 ARE  
R/AT BYRAPPANAPALYA  
HEGGUNDA POST  
SOMAPURA HOBLI  
NELAMANGALA TALUK  
BANGALORE RURAL DISTRICT-562111.

...RESPONDENTS

(BY SRI.Y K SHESHAGIRI RAO – ADVOCATE FOR R-2;  
SRI. MAHADEVASWAMY H. C. – ADVOCATE FOR  
SRI. MURTHY D. L – ADVOCATE FOR R-3 AND R-4)



THIS MFA FILED U/S 173(1) OF MV ACT PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 12.07.2019 IN M.V.C.NO.3442/2017, PASSED BY THE COURT OF XXI-ADDL. SMALL CAUSES JUDGE AND MOTOR ACCIDENT CLAIMS TRIBUNAL AT BENGALURU AND ENHANCE THE COMPENSATION AWARDED FROM RS.41,56,405.12/- TO RS.75,00,000/- ALONG WITH COST AND INTEREST.

THIS MFA, COMING ON FOR ORDERS, THIS DAY, **K. SOMASHEKAR. J.**, DELIVERED THE FOLLOWING:

**JUDGMENT**

Learned counsel Sri T.A.Karumbaiah for the appellants is present before the Court physically. He has filed a memo seeking withdrawal of the appeal since the appellants does not wish to the prosecute the appeal.

The memo is placed on record. Accordingly, the appeal is dismissed as withdrawn.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**

DKB