IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 26^{TH} DAY OF JULY, 2021

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

MISCELLANEOUS FIRST APPEAL No.3615/2012 (MV)

BETWEEN

SMT.JAYAMMA
W/O LATE SONNAPPA
AGED ABOUT 52 YEARS
R/O HANUMANTHA NAGARA
MALUR TOWN, MALUR.
NOW RESIDING AT NO.68,
4TH CROSS, PALASANDRAM LAYOUT,
KOLAR.

....APPELLANT

(BY SRI R. MADHU, ADVOCATE (PHYSICAL HEARING))

AND

- 1. C.VISHWANATHA
 S/O DIDDE BASAPPA,
 AGED ABOUT 43 YEARS,
 CHAKKONDAHALLI VILLAGE,
 MADIVALA POST, MALUR TALUK,
 KOLAR DISTRICT.
- 2. IFFCO- TOKIO
 GENERAL INSURANCE COMPANY LIMITED
 NO.41, 2ND FLOOR, CRISTU COMPLEX,
 NEAR MANDOVI MOTORS,
 LAVELLE ROAD, BENGALURU 01.

... RESPONDENTS

(BY SRI H.T.MANJUNATH, ADVOCATE FOR R1; SRI B.PRADEEP, ADVOCATE FOR R2)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED:2.12.2011 PASSED IN MVC NO.168/2010 ON THE FILE OF PRINCIPAL DISTRICT JUDGE, KOLAR, C/c OF II ADDITIONAL MACT, KOLAR, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA COMING ON FOR HEARING THIS DAY, THE COURT DELIVERED THE FOLLOWING:

JUDGMENT

This appeal is filed against the judgment and award dated 02.12.2011, passed in MVC.No.168/2010, by the II Additional District Judge and Motor Accidents Claims Tribunal, Kolar, whereby, Rs.1,12,400/- with interest at the rate of 6% p.a. was determined to be paid by the insurance company on account of the injuries sustained by the appellant in the road traffic accident on 25.11.2009, seeking enhancement of the said compensation granted by the claims Tribunal.

2. It transpires that during the pendency of the appeal, the appellant has died on 20.08.2020. In view of the death of the appellant, this appeal would not survive for consideration.

Learned counsel appearing for the appellant has filed a memo of even date in this regard.

- 3. Placing the memo on record, the appeal is disposed of as having become infructuous.
- 4. The Office is directed to return the trial court records, which are summoned.

Sd/-Judge

nvj CT:MJ