

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

DATED THIS THE 12<sup>TH</sup> DAY OF NOVEMBER, 2013

:PRESENT:

**THE HON'BLE MR.JUSTICE N.K.PATIL**

**AND**

**THE HON'BLE MR.JUSTICE BUDIHAL R.B.**

M.F. A. No. 8329 of 2010 (MV)  
AND MISC. CVL. 16848 of 2010

Between:

1. Sri. T.K.George,  
S/o. T.K.Kuria Kose,  
Aged about 82 years.
2. Smt. Mary George,  
W/o. T.K.George,  
Aged about 78 years.

Both are R/o. No.1192/A,  
6<sup>th</sup> Main, 'A' Block, II Stage,  
Rajajinagar, Bangalore-10.

New Address:  
No.448, 9<sup>th</sup> Main, NGEF Layout,  
Nrupathunga Nagar,  
Nagarabhavi, Bangalore-72.

...Appellants  
(Common)

(By Miss. Melanie Sebastian, for M/s. Tomy Sebastian  
Associates, Advocates)

And :

1. Branch Manager,  
Oriental Insurance Co., Ltd.,  
Dwaraka, No.79, N.H.Road,  
Chennai-34.
2. Smt. Anasuya,  
W/o. Venkatachalapathy,  
Major,  
R/at. No.21, Behind Amarajyothi School,  
9<sup>th</sup> Street, Devasandra, Hosabanda Wani,  
K.R.Puram, Bangalore.
3. Sri. Sudhakar,  
S/o. Subbaiah,  
Major,  
R/at No.161, New Byappanahalli,  
5<sup>th</sup> Cross, Indiranagara,  
Bangalore.

... Respondents  
(Common)

(By Sri. P.B.Raju, Advocate for R1;  
Appeal against R3 dismissed v/o. dated 27/06/2013;  
R2 served)

This M.F.A. is filed under Section 173(1) of MV Act against the common judgment and award dated 06/10/2009 passed in MVC.No.1967/2006 on the file of the 14<sup>th</sup> Additional Judge, Court of Small Causes and Motor Accident Claims Tribunal,, Bangalore City (SCCH-10), partly allowing the claim petition for compensation and seeking enhancement of compensation.

This Misc. Cvl. is filed under Section 5 of the Limitation Act, 1963 praying to condone the delay of 269 days in filing the above appeal, in the interest of justice and equity.

This M.F.A. along with Misc. Cvl. coming on for Orders this day, **N.K.Patil J.**, delivered the following:

**:JUDGMENT:**

This appeal by the appellants is directed against the impugned common judgment and award dated 6/10/2009 passed in MVC.No.1967/2006, by the 14<sup>th</sup> Additional Judge, Court of Small Causes and Motor Accident Claims Tribunal,, Bangalore City (SCCH-10), for enhancement.

2. Learned counsel appearing for the appellants Miss. Melanie Sebastian, for M/s. Tomy Sebastian Associates, has filed a memo dated 12/11/2013 stating that, appellants may be permitted to withdraw the appeal as not pressed in the interest of justice and equity.

3. Placing the statements made by learned counsel appearing for appellants in the memo, as stated supra, on record, the appeal filed by the appellants is dismissed as not pressed, at the risk of learned counsel for appellants.

In view of dismissal of the appeal as not pressed, the prayer sought by the appellants in Misc.Cvl.16848/2010 does not survive for consideration. Hence, it is disposed off as having become infructuous. Ordered accordingly.

SD/-  
JUDGE

*tsn\**

SD/-  
JUDGE