

Boraiah, vs Manjanna

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Court : Karnataka

Decided On : Nov-03-2025

Judge : Chief Justice,C.M. Poonacha

Appeal No. : MFA/6591/2025

Appellant : Boraiah,

Respondent : Manjanna

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2025 PRESENT THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE AND THE HON'BLE MR. JUSTICE C.M. POONACHA MISCELLANEOUS FIRST APPEAL NO. 6591 OF 2025 (AA) BETWEEN:

1. BORAIAH S/O SANNA MADIAH R/O MUTHAYYANAHATTI VILLAGE CHITRADURGA TALUK - 577 501 APPELLANT (BY SRI GURUDATH V.R., ADVOCATE FOR SRI SPOORTHY HEGDE N, ADVOCATE) Digitally AND: signed by

2. GEETHAMMA AGED ABOUT 36 YEARS

3. RAKESH S/O B. CHINNAPPA AGED ABOUT 34 YEARS -2-

4. THIPPESWAMY S/O MANJANNA AGED ABOUT 27 YEARS

5. SPECIAL LAND ACQUISITION OFFICER AND COMPETENT AUTHORITY NATIONAL HIGHWAYS AUTHORITY OF INDIA, (SLAO - NHAI) KSRTC DEPOT ROAD CHITRADURGA - 577 501

6. MANJAMMA D/O. CHINNAPPA AGED ABOUT 41 YEARS

7. PALAMMA AGED ABOUT 40 YEARS

8. THIPPESWAMY S/O. B. CHINNAPPA AGED ABOUT 42 YEARS

9. RAJESH S/O. MANJANNA AGED ABOUT 25 YEARS

10. CHINNAPPA S/O. LATE BAYANNA ALL RESPONDENT No.1 TO 4 AND RESPONDENT No.5 TO 10 ARE R/O. MUTHAYYANAHATTI VILLAGE CHITRADURGA TALUK - 577 501. RESPONDENTS -3- THIS MFA IS FILED UNDER SECTION 37 OF THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO SET ASIDE THE IMPUGNED JUDGEMENT AND AWARD DTD: 31-7-2025 PASSED BY THE PRL.DISTRICT AND SESSIONS

JUDGE, AT CHITRADURGA IN A.C.NO.2/2019 AN CONSEQUENTLY, ALLOW THE ABOVE APPEAL AND AWARD THE COMPENSATION AMOUNT SO DEPOSITED BY THE NATIONAL HIGHWAY AUTHORITY, SLAO FOR ACQUIRING 2,424 SQR. MTRS. OF LAND IN SY.NO.22 OF MALLAPURA VILLAGE IN FAVOUR OF APPELLANT AND ETC. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,

JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE and

HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The learned counsel appearing for the appellant has filed a

memo seeking to withdraw the present appeal. The memo indicates that the appellant seeks liberty to file an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 [A&C Act]. However, it does not appear that there is any arbitral award, which can be challenged under Section 37 of the A&C Act.

2. Accordingly, the appeal is dismissed as withdrawn. -4-

3. However, it is clarified that this would not preclude the appellant from availing all such remedies as otherwise available in law. (VIBHU BAKHRU) CHIEF JUSTICE (C.M. POONACHA) JUDGE AHB List No.: 1 SI No.: 7

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