

HIGH COURT LEGAL SERVICES COMMITTEE, BANGALORE
BEFORE THE LOK ADALAT

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 06TH DAY OF DECEMBER 2014

CONCILIATORS PRESENT:

HON'BLE MR. JUSTICE PRADEEP D. WAINGANKAR
&
SRI. KIRAN KUMAR T.L., MEMBER

MISCELLANEOUS FIRST APPEAL NO.1038/2012(MV)
(LOK ADALAT NO.1650/2014)

BETWEEN:

SRI. SHIVAKUMAR
 S/O JAYAPPA
 AGED ABOUT 27 YEARS
 R/O. KANAGONDANAHALLI VILLAGE
 DAVANGERE TALUK.

.....APPELLANT

(BY SRI. A. HANUMANTHAPPA, ADV.,)

AND

1. SATHISH N.H.
 S/O HALAPPA
 AGED ABOUT 27 YEARS
 OWNER CUM DRIVER OF THE MOTOR
 CYCLE BEARING REG. NO. KA-17 X-7460
 R/O HOSAHALLI VILLAGE, HONNALI TALUK.

2. THE MANAGER
 THE NATIONAL INSURANCE COMPANY LTD.,
 1ST FLOOR, SS COMPLEX, B.G. ROAD
 SHIMOGA.

.....RESPONDENTS

(BY SRI. C.M. POONACHA, ADV., FOR R2;
 R1-NOTICE DISPENSED WITH V/O DT:10.2.14)

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED 12.08.2011 PASSED IN MVC NO.1111/2009 ON THE FILE OF THE SENIOR CIVIL JUDGE, VI ADDITIONAL MACT, DAVANAGERE, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR CONCILIATION BEFORE LOK ADALAT AFTER BEING REFERRED VIDE ORDER DATED 04.03.2014, THE FOLLOWING ORDER IS PASSED:-

CONCILIATION ORDER

The learned counsel for the appellant and the learned counsel for respondent No.3-Insurance company alongwith its representative are present.

2. After prolonged negotiations, the matter is settled. The appellant has agreed to receive and the respondent No.3-Insurance Company has agreed to pay a lump sum of Rs.50,000/- (Rupees Fifty Thousand only) in addition to what has been awarded by the Tribunal, in full and final settlement of the claim. A joint memo is filed on behalf of the parties to this effect.

3. The respondent No.3-Insurance company has agreed to deposit the said amount, within six weeks from the date of preparation of Award, failing which the said amount shall carry interest at 9% p.a. from the date of default, till the date of deposit.

4. The entire amount of enhanced compensation shall be released in favour of appellant/claimant.

The miscellaneous first appeal stands disposed of in terms of the Joint memo. The award of the Tribunal shall stand modified accordingly. Draw up the Award accordingly.

**Sd/-
JUDGE**

**Sd/-
MEMBER**

PMR