

**HIGH COURT LEGAL SERVICES COMMITTEE, BENGALURU
BEFORE THE LOK ADALATH
IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 21st DAY OF FEBRUARY, 2016**

CONCILIATORS PRESENT:

HON'BLE MR. JUSTICE N.K. PATIL

AND

SRI. M.N. UMASHANKAR, MEMBER

Miscellaneous First Appeal No.3076/2012

(Lok Adalat No.2368/2015)

BETWEEN

SRI SHIVAKUMAR,
S/O MUTTUSWAMY
S/O KRISHNA SWAMY
AGED ABOUT 33 YEARS
COOLIE (PAINTER)
R/O D.NO. 803/4, 1ST CROSS
1ST MAIN, PISALE COMPOUND
P B ROAD, DAVANAGERE PIN-577 001. ... APPELLANT

(By Sri. M. R HIEMATHAD & R SURESH, ADVOCATES)

AND

1.V JAKEER BASHA S/O KHASEEM SAB
AGED 30 YEARS, DRIVER
NANDIPURA,
HAGARIBOMMANAHALLI TALUK
BELLARY DISTRICT PIN
DRIVER OF THE VEHICLE BEARING
NO. KA-35-9190

2.M CHAND BASHA S/O BHASHA SAB
AGED ABOUT 40 YEARS

NANDIPURA
HAGARIBOMMANAHALLI TALUK
BELLARY DISTRICT PIN
OWNER OF THE VEHICLE BEARING
NO. KA-35-9190

3.THE GENERAL/DIVISIONAL MANAGER
ICICI LOMBARD MOTOR/GENERAL
INSURANCE COMPANY LTD
2ND FLOOR, SVR COMPLEX
89 HOUMS, MAIN ROAD
MADIVALA, BANGALORE

....RESPONDENTS

(By Sri. A M VENKATESH, ADVOCATE FOR R3
RESPONDENT NO.2 SERVED-UNREPRESENTED
NOTICE TO R1 IS DISPENSED WITH VCO DT. 19.06.2015)

MFA FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT
AND AWARD DATED: 8.3.2011 PASSED IN MVC NO.685/2007 ON THE
FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, 6TH
ADDITIONAL MACT, DAVANGERE, PARTLY ALLOWING THE CLAIM
PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF
COMPENSATION.

THIS APPEAL COMING ON FOR CONCILIATION BEFORE LOK
ADALATH, AFTER BEING REFERRED BY THE COURT, THE
FOLLOWING CONCILIATION ORDER IS PASSED.

CONCILIATION ORDER

The learned counsel for the appellant, the learned counsel for the third
respondent and its representative are present.

2. After due deliberation in the matter, they have arrived at a settlement.

The 3rd respondent has agreed to pay a sum of Rs.1,50,000/- (Rupees One Lakh Fifty

Thousand Only) without interest, in addition to the amount already awarded by the Tribunal. The Appellant has agreed to receive the said amount in full and final settlement of the claim.

3. The third respondent has agreed to deposit the amount before the Tribunal within six weeks from the date of preparation of the award, failing which the amount shall carry interest at the rate of 9% per annum from the date of default, till the date of deposit.

4. The parties have filed a Joint Memo in terms of their settlement. The settlement is in the best interest of the parties and therefore, accepted.

5. Accordingly, the Judgment and Award dated 8.3.2011 passed in MVC No.685/2007 on the file of the II Additional Senior Civil Judge, 6TH Additional MACT, Davangere stands modified in terms of the Joint Memo.

The entire enhanced compensation shall be released in favour of the appellant, immediately on deposit by the Insurer.

Draw up the award accordingly.

**Sd/-
JUDGE**

**Sd/-
MEMBER**

*VR