

**HIGH COURT LEGAL SERVICES COMMITTEE
BENGALURU**

BEFORE THE NATIONAL LOK ADALATH

**IN THE HIGH COURT OF KARNATAKA,
BENGALURU**

DATED THIS THE 9TH DAY OF DECEMBER, 2023

CONCILIATORS PRESENT:

THE HONOURABLE Dr. JUSTICE H.B.PRABHAKARA SASTRY

AND

SRI. SHANTHI BHUSHAN H., MEMBER

M.F.A.No.4784/2022 [MV]

(Lok Adalat No. 1808/2023)

BETWEEN:

1. Sunandamma,
Aged about 52 years,
W/o. Late Chikka Junjappa,

2. Narayanaswamy,
Aged about 34 years,
S/o. late Chikka Junjappa,

3. Nagaraja,
Aged about 32 years,
S/o. late Chikka Junjappa,

The appellant Nos. 1 to 3 are
R/at. Rajakallahalli village,
Vemgal Hobli,
Kolar Taluk and District - 517247.

4. Kalavathi,
Aged about 30 years,
D/o. Late Chikka Junjappa,
W/o. Hanumappa,
R/at. Challahalli Village,
Vakkaleri Hobli, Kolar Taluk -517247.

5. Meenakshi,
Aged about 28 years,
D/o. Late Chikka Junjappa,
W/o. Hanumappa,
R/at Challahalli Village,
Vakkaleri Hobli, Kolar Taluk - 517247.

... Appellants

(By Sri. Pavana Chandra Shetty H., Advocate)

AND:

1. Muniraju N.,
S/o. Muniyappa,
Age: Major,
R/at Madanahalli Village,
Yelgaraburre Post,
Kolar Taluk - 517247.
2. Liberty General Insurance
Company Limited,
No.1, Ayyesha 1st Floor,
Rear Portion, Old No.28,
New No.23, Richmond Road,
Richmond Town,
Bengaluru - 560 035.
Rep. by its Branch Manager.

... Respondents

(By Sri. Ravi S. Samprathi, Advocate for R-2)

This MFA is filed under Section 173(1) of Motor Vehicles Act, 1988, praying to modify the judgment and award dated 14.02.2022 passed by Court of the Prl. Senior Civil Judge and MACT at Kolar in MVC No.287/2018 to the extent of disallowed

claim and allow this appeal by enhancing the compensation, in the interest of justice.

This MFA coming on for conciliation before National Lok Adalat, this day, the following Conciliation Order is passed:

CONCILIATION ORDER

The matter is taken up in Lok Adalat.

2. The learned counsel for the appellants/claimants and the representative of second respondent-Insurance Company along with its counsel are present.

3. After some negotiation, the matter between the parties is settled. The appellants/claimants through his counsel has agreed to receive and the second respondent-Insurance Company has agreed to pay a global compensation of **₹1,23,000/- (Rupees One lakh Twenty Three Thousand only)**, in addition to what has been awarded by the Tribunal, in full and final settlement of appellant's claim. A Joint Memo is filed on behalf of the parties to this effect.

4. After enquiring with the parties and the counsel present, it was convinced that the said Joint Memo has been filed by both sides out of their volition and free consent and keeping the best interest of both the parties. As such, the Joint Memo is accepted.

5. Out of the total enhanced amount of ₹1,23,000/-, 80% of the amount shall go to the share of appellant No.1 - Smt. Sunandamma, 10% each shall go to the share of appellants No.2 and 3. The entire amount going to the share of each of the appellants be released in their favour. Except the above, the remaining terms of the impugned award is agreed to be continued by both side including liberty granted to respondent No.2 - Insurance Company to pay the awarded amount and recover the same from respondent No.1 who is the owner of the alleged offending vehicle.

6. The second respondent-Insurance Company has agreed to deposit the said amount before the Tribunal

within six weeks from the date of preparation of Award, failing which the said amount shall carry interest at the rate of 9% p.a. from the date of default, till the date of deposit.

7. The Miscellaneous First Appeal stands disposed of in terms of the Joint Memo. The award of the Tribunal shall stand modified accordingly. Draw the modified award accordingly.

Registry to transmit the Tribunal records received, if any, to the said Tribunal along with a copy of this conciliation order immediately, but, not later than three weeks from today.

**Sd/-
JUDGE**

**Sd/-
MEMBER**

BVK