

HIGH COURT LEGAL SERVICES COMMITTEE,
DHARWAD BENCH

Before the Lok Adalat

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

Dated this the 10th day of February, 2018

Conciliators Present

THE HON'BLE MR.JUSTICE B. A. PATIL

and

SRI. RAVI S. BALIKAI, MEMBER

Miscellaneous First Appeal No.103376/2015 (MV)
Lok Adalat No.2015/2017

BETWEEN

MARISWAMY S/O EARAPPA CHUKKADI
AGE:42 YEARS
OCC:HOTEL BUSINESS & AGRICULTURE
R/O:BARAGOOR, NOW AT KANAKAPUR
TQ:GANGAVATHI
DIST:KOPPAL.

... APPELLANT

(BY SRI. B. SHARANABASAWA, ADVOCATE)

AND

1. SATYANARAYANA
S/O KOTESHWARARAO BURUGUPALLI
AGE:30 YEARS
OCC:RIDER OF THE UNICORN
HERO HONDA M/C REGN NO.KA-37/Q-6767,
R/O:S.R.NAGAR, WARD NO.1,
TQ:GANGAVATHI, DIST: KOPPAL.

2. SRINIVASRAO P.
S/O GOPALAM PALAKARTHI
AGE: 45 YEARS, OCC: AGRL AND
OWNER OF THE UNICORN
HERO HONDA M/C REGN NO.KA-37/Q-6767,
R/O:NEAR APMC, DEVI COMPLEX
SRIRAMANAGAR, TQ:GANGAVATHI
DIST:KOPPAL
3. THE BRANCH MANAGER
UNITED INDIA INSURANCE
COMPANY LIMITED
SANMAN TOURIST COMPLEX,
ISLAMPUR, GANGAVATHI
DIST:KOPPAL.

...RESPONDENTS

(BY SRI. S.S.KOLIWAD, ADVOCATE FOR R3)
(R1 & R2 SERVED)

THIS MFA IS FILED U/S 173(1) OF MV ACT, AGAINST THE JUDGMENT AND AWARD DATED 28.08.2014 PASSED IN MVC NO.184/2013 ON THE FILE OF THE SENIOR CIVIL JUDGE AND MEMBER MOTOR ACCIDENT CLAIMS TRIBUNAL, AT GANGAVATHI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MFA COMING ON FOR CONCILIATION BEFORE LOK ADALAT AFTER BEING REFERRED VIDE ORDER DATED 22.11.2017 THE FOLLOWING ORDER IS PASSED:

Conciliation Order

The learned counsel appearing for the appellant and learned counsel appearing for the 3rd respondent-insurance company along with its representatives are present.

2. After prolonged negotiations, the matter is settled. The appellant/claimant has agreed to receive and the 3rd respondent-insurance company has agreed to pay a global compensation of Rs.1,65,000/- [Rupees One Lakh Sixty Five 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 3rd 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 9% p.a. from the date of default, till the date of deposit. The parties are not entitled to any cost.

4. On deposit of the amount, 50% is agreed to be invested in Fixed Deposit in the name of the appellant/claimant in any Nationalised Bank for a period of three years. The remaining

50% of the amount is ordered to be released in favour of the appellant/claimant.

5. Accordingly, Miscellaneous First Appeal stands disposed off in terms of the Joint Memo. The award of the Tribunal shall stands modified.

Draw award accordingly.

Sd/-
JUDGE

Sd/-
MEMBER

Kms