

HIGH COURT LEGAL SERVICES COMMITTEE,  
DHARWAD BENCH

BEFORE THE LOK ADALATH

IN THE HIGH COURT OF KARNATAKA,  
DHARWAD BENCH

DATED THIS THE 11<sup>TH</sup> DAY OF MARCH, 2017

CONCILIATORS PRESENT:

**THE HONOURABLE Dr. JUSTICE H.B.PRABHAKARA SASTRY**

AND

**SHRI SHIVAKUMAR S. BADA WADAGI, MEMBER**

M.F.A.No.23680/2011[MV]

(Lok Adalat No.698/2016)

BETWEEN

1. SRI. LAKSHMANA S/O MALLAPPA,  
AGE: 40 YEARS, OCC: AGRICULTURIST,
2. SMT.YELLAMMA W/O LAKSHMANA,  
AGE: 38 YEARS, OCC: HOUSE WIFE,
3. MINOR MALLIKARJUNA S/O LAKSHMANA,  
AGE: 17 YEARS, OCC: STUDENT,
4. MINOR SHIVA S/O LAKSHMANA,  
AGE: 11 YEARS, OCC: STUDENT,
5. MINOR GALEPPA S/O LAKSHMANA,  
AGE: 7 YEARS, OCC: STUDENT,

APPELLANTS NO.S 3 TO 5 ARE MINORS AND  
REPRESENTED BY FATHER, NATURAL GUARDIAN  
APPELLANT NO.1 SRI. LAKSHMANA,

ALL ARE R/O WARD NO.21, BASAVANAGUDI,  
VIJAYANAGAR, SIRUGUPPA,  
DISTRICT BELLARY.

... APPELLANTS

(By Sri./Smt : HANUMANTHAREDDY SAHUKAR)

AND

1. SRI. R BASAVARJ S/O R. CHANNA GOUDA,  
AGE: MAJOR DRIVER OF THE TRACTOR-TRAILER  
BEARING NO. KA-34/T-5427-5428,  
R/O H.NO.284, ARALIGANUR POST,  
TQ: SIRUGUPPA DIST: BELLARY.
2. SRI. RAVINDRA BABU S/O SHANKAR RAO,  
AGE: MAJOR OWNER OF THE TRACTOR TRAILER,  
BEARING NO.KA-34/T-5427,5428,  
ARALIGANUR POST TQ: SIRUGUPPA,  
DIST: BELLARY.
3. THE DIVISIONAL MANAGER,  
NATIONAL INSURANCE CO. LTD.,  
DIVISIONAL OFFICE, MELGIRI PLAZA MCC,  
B BLOCK, DENTAL COLLEGE ROAD,  
DAVANGERE.

... RESPONDENTS

(By Sri./Smt : M Y KATAGI FOR R3)

THIS MFA FILED U/SEC.173(1) OF M.V. ACT, 1988, AGAINST THE JUDGMENT AND AWARD DTD:30-11-2009, PASSED IN MVC. NO.302/2008, ON THE FILE OF THE MEMBER, MACT-XII, BELLARY, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THE APPEAL BEING REFERRED TO LOK ADALAT ON 26/09/2016, COMING ON FOR CONCILIATION, THIS DAY, THE LOK ADALAT PASSED THE FOLLOWING:

### **CONCILIATION ORDER**

The matter was taken up in Lok Adalath.

2. Both side present.
3. Conciliation was held.
4. Learned counsels appearing for the claimant and the respondent-Insurance Company have filed a Joint Memo, settling the matter for Rs.2,00,000/- (Two lakhs rupees only) as enhancement in addition to what has been awarded by the MACT below.
5. Perused the said Joint Memo, the same is acceptable.
6. The respondent No.3 has agreed to deposit the said amount before the Tribunal, within Six weeks from the date of preparation of the award, failing which, the said amount shall carry interest at the

rate of 9% per annum from the date of default, till the date of deposit.

7. Parties are not entitled to any costs.

8. The terms of the joint memo is agreed to be full and final settlement between the parties with their free will and consent.

9. The enhanced amount is Rs.2,00,000-00. Out of which a sum of Rs.1,00,000-00 is to be released as per the terms in accordance with the original award. Remaining Rs.1,00,000-00 is to be apportioned among themselves and be kept in fixed deposit as per the original award.

The appeal is settled and stands disposed off on the above terms.

Draw the award, accordingly.

**Sd/-  
JUDGE**

**Sd/-  
MEMBER**

\*Hmb/-