

HIGH COURT LEGAL SERVICES COMMITTEE,
KALABURAGI
BEFORE THE LOK-ADALAT

IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH

DATED THIS THE 9TH DAY OF SEPTEMBER 2017

CONCILIATORS PRESENT

THE HON'BLE MR. JUSTICE K. N. PHANEENDRA
AND
Dr. JAMBAYYA SWAMY HIREMATH, MEMBER

M.F.A. No.200833/2016 (MV)

Lok Adalat No.212/2017

Between:

1. Shivaleela W/o Vidyasagar Suri
Aged:30 years, Occ: Household
2. Veeresh @ Vishwatma S/o Vidyasagar Suri
Aged: 05 years, Occ: Nil (Minor)
3. Shardabai W/o Babu Rao Suri
Aged: 55 years, Occ: Household
4. Vishnu S/o Vidyasagar Suri
Aged: 04 years, Occ: Nil, (Minor)
Note: Appellant 2 & 4 are minor U/g of their natural
mother appellant No.1
All are residing at
Village Khatak Chincholi,
Tq: Bhalki, Dist: Bidar.

... Appellants

(By Sri.B.C.Jaka, Advocate)

And:

1. Tukaram S/o Dhulappa
Age: 37 years, Occ: Owner of the Indica Car
R/at Village Rajeshwar,
Tq: Basavakalyan, Dist: Bidar – 585 327.
2. The Divisional Manager of United India
Insurance Co.Ltd., Jawali
Complex, Super Market,
Kalaburagi – 585 102.

... Respondents

**(By Smt.Anuradha.M.Desai, Adv for R-2
Notice to R1 is dispensed with v/o dtd: 17.02.2017)**

This Miscellaneous First Appeal is filed under Section 173(1) of the Motor Vehicles Act, praying to allow the appeal, and modifying the impugned Judgement and Award dated: 06.02.2015 passed by the Senior Civil Judge & MACT Court at Humnabad, in MVC No.150/2014 and consequently be pleased to enhance the compensation from Rs.25,68,416/- to Rs.40,00,000/- with interest @ 12% pre annum from the date of petition till actual realization.

This appeal coming on for Conciliation before Lok Adalat, this day, the following order is passed:

CONCILIATION ORDER

The learned counsel for the appellants and the learned counsel for respondent - Insurance Company are present.

2. After due deliberations, the parties have arrived at a settlement. The appellants - claimants have agreed to receive and the respondent - Insurance Company has agreed to pay global compensation of Rs.2,27,900/- (Rupees Two-Lakhs Twenty-Seven-Thousand Nine-Hundred Only) inclusive of interest in addition to what has been awarded by the Tribunal, towards full and final settlement of the claim. A joint memo is filed on behalf of the parties to this effect.

3. The respondent - Insurance Company 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 9% p.a. from the date of default, till the date of deposit.

4. The apportionment and release of the amount, in respect of claimants who are minors, is as per the order of the Tribunal.

5. The claimants who are major the amount of compensation to the extent of their shares is ordered to be released.

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

**Sd/-
JUDGE**

**Sd/-
MEMBER**

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