HIGH COURT LEGAL SERVICES COMMITTEE, DHARWAD BENCH BEFORE THE LOK ADALATH

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 09TH DAY OF DECEMBER, 2017

CONCILIATORS PRESENT:

HON'BLE MRS.JUSTICE S.SUJATHA AND SMT.ANURADHA DESHPANDE, MEMBER

M.F.A.No.102377/2017 [MV] (Lok Adalat No.1139/2017)

BETWEEN:

1. DR. GAYATRI W/O GANGADHAR SARAF AGE: 52 YEARS, OCC: DOCTOR, R/O: HUBBALLI-580029.

...APPELLANT

(BY SRI. ANJANEYA M, ADV.)

AND:

- 1. MR. MOHAMMED AZAM S/O ABDUL AZEEM AGE: MAJOR, OCC: OWNER OF LORRY NO.KA-06/D-3207, R/O: ALBAA MANZIL, 8TH CROSS, KAIDAL LAYOUT, SADASHIV NAGAR, TUMKURU-572105.
- 2. THE ORIENTAL INSURANCE CO. LTD., TUMAKURU, BY ITS DIVISIONAL OFFICE, ENKAY COMPLEX, KESHWAPUR, HUBBALLI-580029, POLICY NO.423201/31/2015/10106, VALID FROM 16/01/2015 TO 15/01/2016.

... RESPONDENTS

(BY SRI. G N RAICHUR, ADV. FOR R2) (R1-DISPENSED WITH)

THIS MFA FILED U/S.173(1) OF MOTOR VEHICLES ACT, AGAINST THE JUDGMENT AND AWARD DATED 24.01.2017 PASSED IN MVC NO.786/2015 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE AND MEMBER, ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, HUBBALLI, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THE APPEAL BEING REFERRED TO LOK ADALAT ON 18.08.2017, COMING ON FOR CONCILIATION, THIS DAY, THE LOK ADALAT PASSED THE FOLLOWING:

CONCILIATION ORDER

The learned counsel for the claimant-appellant and the learned counsel for the Insurance Company along with its representative are present.

2. After prolonged negotiations, the matter is settled. The appellant -Claimant has agreed to receive and the Respondent- Insurance Company has agreed to pay a lump sum of Rs.10,000/- (Rupees Ten 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 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

4. The entire enhanced compensation shall be

9% P.A. from the date of default, till the date of deposit.

released in favour of the appellant.

5. This miscellaneous first appeal stands disposed of in terms of the Joint memo. The Judgment and Award of the Tribunal shall stand modified accordingly. Draw up the Award accordingly.

Sd/-JUDGE

Sd/-MEMBER

JTR