

HIGH COURT LEGAL SERVICES COMMITTEE,

AT CIRCUIT BENCH, DHARWAD

BEFORE THE LOK ADALAT

IN THE HIGH COURT OF KARNATAKA  
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 30<sup>TH</sup> DAY OF NOVEMBER 2010

CONCILIATORS PRESENT

THE HON'BLE MR.JUSTICE B.V.PINTO

AND

SMT. PRAFULLA NAIK, MEMBER

Miscellaneous First Appeal No.11621/2007 (MV)  
(In Lok Adalat No.291/2010)

**BETWEEN:**

HUCHCHAPPA S/O RANGAPPA MADAR  
AGED ABOUT 27 YEARS, OCC: AGRI-COOLIE  
R/O HULAGERI, TQ: BADAMI  
DIST: BAGALKOT

(By Sri. SHIVAKUMAR S BADAADAGI ADV.)

...APPELLANT

**AND:**

1. FADIYAPPA S/O SHIVAPPA BASARI  
AGED ABOUT 47 YEARS, OCC: BUSINESS  
R/O UGALAWAT, TQ: BADAMI  
DIST: BAGALKOT

2. THE MANAGER, NEW INDIA ASSURANCE CO. LTD.,  
1ST FLOOR TUPPAD BUNGLOW  
P.B.ROAD, NEAR GANDHI CIRCLE, GADAG

(R1-SD, SRI B.C.SEETHARAM RAO ADV. FOR R2) ... RESPONDENTS

THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 30.5.2007 PASSED IN MVC NO. 83/2005 ON THE FILE OF THE CIVIL JUDGE (SR.DN), MEMBER, MACT-II, BAGALKOT, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION WITH 12% INTEREST.

This appeal coming on for conciliation before Lok Adalat after being referred vide order dated 16.04.2010, the following order is passed:

CONCILIATION ORDER

This appeal is filed by the claimant in M.V.C. No.83/2005 on the file of Motor Accident Claims Tribunal-II, Bagalkot (hereinafter referred to as '**the Tribunal**'), being aggrieved by the judgement and award dated 30.05.2007 and seeking for enhancement of compensation. The Tribunal has awarded compensation of Rs.52,700/- payable by the respondent No.2 to the appellant – claimant.

2. The learned counsel for the appellant and the learned counsel for the 2<sup>nd</sup> respondent-Insurance Company along with the representative are present.

3. After detailed discussion and negotiation, it is agreed by the learned counsel appearing for the appellant and the learned counsel appearing for the Insurance Company that in addition to the amount awarded by the Tribunal, additional amount of Rs.1,00,000/-, which is



inclusive of interest, shall be paid by respondent No.2 in full and final settlement of the claim of the appellant.

4. Accordingly, the appellant would be entitled to the compensation awarded by the Tribunal at Rs.52,700/- (Rupees Fifty-two Thousand Seven hundred Only) with interest at 6% per annum from the date of petition till the date of realization and in addition, Rs.1,00,000/- (Rupees One Lakh only), which is inclusive of interest. A joint memo is filed on behalf of the parties to this effect.

5. Respondent No.2, on whom the liability is fixed by the Tribunal shall pay the enhanced compensation within two months from the date of receipt of the award or production of the certified copy of the award, after excluding the time taken for grant of certified copy, failing which, the enhanced compensation shall carry interest at 9% per annum from the date of appeal to the date of payment.

Sd/-  
JUDGE

Sd/-  
MEMBER

RKK/-