

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 30TH DAY OF NOVEMBER 2010

CONCILIATORS PRESENT

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

AND

SMT. PRAFULLA NAIK, MEMBER

**Miscellaneous First Appeal No.12692/2007 (MV)
(In Lok Adalat No.336/2010)**

BETWEEN:

SRI CHANDRAKANT RAMACHANDRA HONAGEKAR
AGE 68 YEARS, OCC: BUSINESS AND AGRICULTURE
R/O PLOT NO.20, JAYNAGAR, HINDALAGA ROAD
BELGAUM

...APPELLANT

(By Sri. R M KULKARNI ADVOCATE)

AND:

1. SRI BASAVANNI R GURAV
AGE MAJOR, OCC: BUSINESS
R/O J. SHAIKH, H.NO.6, DHAMANE STREET
CAMP, BELGAUM
(OWNER OF BAJAJ MINI DOOR
NO KA-23/6358)
2. THE MANAGER
THE NEW INDIA ASSURANCE CO LTD
DIVISIONAL OFFICE, 1663, SHRI BHAVANI
CHAMBERS, II FLOOR, RAMALINGKHAND GALLI

BELGAUM
(INSURER OF THE VEHICLE NO KA-23/6358)

... RESPONDENTS

(R1 SERVED; By Sri. B.C.SEETHARAM RAO ADV. FOR R2)


THIS MFA IS FILED U/S 173(1) OF MV ACT AGAINST THE JUDGMENT AND AWARD DATED: 28.2.2007 PASSED IN MVC NO.3186/2005 ON THE FILE OF THE PRESIDING OFFICER, FAST TRACK COURT-IV, MEMBER, ADDL. MACT, BELGAUM, PARTLY ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS APPEAL COMING ON FOR CONCILIATION BEFORE LOK ADALAT AFTER BEING REFERRED VIDE ORDER DATED 21.04.2010, THE FOLLOWING ORDER IS PASSED:

CONCILIATION ORDER

This appeal is filed by the claimant in M.V.C. No.3186/2005 on the file of Addl. Motor Accident Claims Tribunal & FTC-IV, Belgaum (hereinafter referred to as '**the Tribunal**'), being aggrieved by the judgement and award dated 28.02.2007 and seeking for enhancement of compensation. The Tribunal has awarded compensation of Rs.1,64,950/- payable by the respondents 1 and 2, jointly and severally to the appellant – claimant.


2. The learned counsel for the appellant and the learned counsel for the 2nd 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.20,000/-, which is inclusive of interest, shall be paid by respondents 1 and 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.1,64,950/- (Rupees One Lakh Sixty-four thousand Nine-hundred and fifty only) with interest at 6% per annum from the date of petition till the date of realization and in addition, Rs.20,000/- (Rupees Twenty Thousand only), which is inclusive of interest. A joint memo is filed on behalf of the parties to this effect.

5. Respondents 1 and 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/-