



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

MISCELLANEOUS FIRST APPEAL NO. 3672 OF 2024 (ECA)

BETWEEN:

THE NEW INDIA ASSURANCE CO. LTD.,
FIRST FLOOR, SRI LAKSHMI COMPLEX,
COLLEGE ROAD, MADIKERI - 571 201.
REPRESENTED BY MOTOR THIRD PARTY
CLAIMS HUB, MAHALAKSHMI CHAMBERS,
NO.9, 2ND FLOOR, MAHATMA GANDHI ROAD,
BANGALORE - 560 001,
BY ITS DULY CONSTITUTED ATTORNEY.

...APPELLANT

(BY SRI. RAVISHANKAR C.R, ADVOCATE)

AND:

1. SMT. R. MAMATHA,
AGED ABOUT 28 YEARS,
W/O LATE NISHANTH,
D/O SRI. P. RAJU,
2. MASTER A.N. MOKSHITH,
AGED ABOUT 09 YEARS,
S/O LATE NISHANTH,
3. KUMARI. A.N. MOKSHA,
AGED ABOUT 04 YEARS,
D/O LATE NISHANTH,

NO.2 AND 3 ARE MINORS

Digitally signed by
AASEEFA PARVEEN
Location: HIGH
COURT OF
KARNATAKA



REPRESENTED BY THEIR MOTHER
NATURAL GUARDIAN AND NEXT FRIEND,
SMT. E. MAMATHA,

ALL ARE RESIDENTS OF
KORTHICAD 'C' ESTATE,
MODUR VILLAGE, KADAGADALU POST,
SOMWARPET TALUK, KODAGU DISTRICT.

4. SRI. K. MUTHANNA THIMMAIAH,
AGED ABOUT 57 YEARS,
S/O SRI. K.W. THIMMAIAH,
KORTHICAD 'C' ESTATE,
MODUR VILLAGE, KADAGADALU POST,
SOMWARPET TALUK, KODAGU DISTRICT.

...RESPONDENTS

(BY SRI. HARSHA, ADVOCATE FOR
SRI. B.S. SACHIN, ADVOCATE FOR R4;
R2 AND R3 ARE MINOR REPRESENTED BY R1)

THIS MFA IS FILED U/S.30(1) EMPLOYEES
COMPENSATION ACT, AGAINST THE JUDGMENT AND AWARD
DATED 09.10.2023 PASSED IN ECA NO.03/2021 ON THE FILE
OF THE SENIOR CIVIL JUDGE AND JMFC, SOMAWARAPETE,
AWARDING COMPENSATION OF RS.8,28,000/- WITH INTEREST
AT 12 PERCENT P.A. FROM THE DATE OF PETITION TILL
PAYMENT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE DR. JUSTICE CHILLAKUR SUMALATHA

ORAL JUDGMENT

Respondent Nos.1 and 4 are present before this Court in person.

2. Sri.Ravishankar C.R, learned counsel for the appellant as well as Sri.Harsha representing Sri.B.S.Sachin learned counsel on record for respondent No.4 is present.

3. Respondent No.1 Smt.R.Mamatha who is representing respondent Nos.2 and 3 also, submits that she entered into compromise with the appellant. Learned counsel Sri.Ravishankar C.R states that settlement was arrived at between the parties and that the appellant had already deposited the entire compensation of Rs.8,28,000/- before the tribunal and he has no objection to disburse the same to respondent Nos.1 to 3. Learned counsel also submits that respondent Nos.1 to 3 undertook to waive the interest on the compensation granted.

4. Joint memo to that effect is also filed.



5. Having considered the submission that is made before this Court and upon perusing the contents of the joint memo filed, this Court is of the view that the appeal can be disposed of basing on the settlement arrived at.

6. Hence, the appeal stands disposed of in accordance with the contents of the joint memo filed. The joint memo filed shall form part of the record.

7. Out of the compensation granted, the 1st respondent/1st claimant is entitled to Rs.3,28,000/-.

8. Respondent Nos.2 and 3 are entitled to Rs.2,50,000/- each.

9. The tribunal is directed to invest the sum that is awarded to respondent Nos.2 and 3 along with their share of accrued interest in any interest yielding fixed deposit scheme of any nationalized bank till they attain the age of majority.



10. On their attaining the age of majority, they are permitted to withdraw their respective shares along with accrued interest.

11. The amount that fell to the share of respondent No.1/1st claimant along with her share of interest shall be disbursed to her on an application by her for withdrawal.

The appeal is accordingly *disposed of*.

Draw degree accordingly.

Sd/-
(DR.CHILLAKUR SUMALATHA)
JUDGE

VS
List No.: 1 SI No.: 24
CT: BHK