

ORDER ON APPLICATION U/O 23 R 3 R/w. SEC.**151 OF C.P.C.**

1. The present petition is filed by the petitioners against the respondents for the death of Govinda S/o. Late. Ramaiah in the road accident occurred on 17.06.2022 by the driver of Car bearing Reg.No.KA-13-B-6963 on 7th Main, 7th Cross, HAL 2nd Stage, Indiranagar, Bengaluru, within the jurisdiction of Halasur Police Station.

2. After issuance of summons Respondent No.1 & 2 appeared through their respective counsels.

3. However, when the matter was posted for written statement of respondents No.1 and 2, both the parties have filed Joint Memo along with application U/o.23 R.3 stating that the matter amongst themselves is settled for compensation amount of Rs.21,75,000/- and thereafter matter was referred to Lok-Adalath. The said terms and conditions of the said joint memo and application along with the recitals of compromise was read over to the parties in their vernacular and they have accepted for the same voluntarily.

4. Heard both advocate for petitioner and respondent. The points that arises for my consideration is that :

1. Whether the application filed U/o.23 R.3 for compromise petition is maintainable ?
2. What order ?
3. I have answered the above points in the following ways:
 1. In the Affirmative
 2. As per final order for the following....

REASONS

5. Point No.1:-

The present petition is filed by the petitioner against the respondents for the death of Sri. Govinda S/o. Late. Ramaiah in the road accident occurred on 17.06.2022 by the driver of Car bearing Reg.No.KA-13-B-6963 on 7th Main, 7th Cross, HAL 2nd Stage, Indiranagar, Bengaluru, within the jurisdiction of Halasur Police Station.

6. However due to the death of deceased Sri. Govinda in the road accident, the petitioners have filed the Application along with Joint Memo stating the matter has been compromised for total compensation amount of Rs.21,75,000/- and both the parties have filed this application U/o.23 R.3 stating that the matter has been compromised and the same is read over and explained to both the parties and they have agreed the same as per the

terms and conditions of the petition filed U/o 23 Rule 3 of C.P.C.

7. On plain reading of O.23 R.3 it states as under:

Compromise of suit.- Where it is proved to the satisfaction of the Court that a suit has been adjusted wholly or in part by any lawful agreement or compromise, [in writing and signed by the parties] or where the defendant satisfies the plaintiff in respect of the whole or any part of the subject-matter of the suit, the Court shall order such agreement, compromise or satisfaction to be recorded, and shall pass a decree in accordance therewith [so far as it relates to the parties to the suit, whether or not the subject-matter of the agreement, compromise or satisfaction is the same as the subject matter of the suit.

8. It is observed that both the parties have admitted and compromised the matter for total compensation amount of Rs.21,75,000/- and the same is read over and explained to both the parties in their vernacular on 24.03.2023 and matter was referred to lok-adalath but due to non-sitting of Lok-adalath the parties have filed application U/o.23 Rule 3 R/w sec.151 of CPC to accept the joint memo and also they have agreed the same as per the terms and conditions of the joint memo.

9. Hence as the matter is compromised between the petitioner and respondent No.1 as per the compromise petition and joint memo which is lawful and the terms of the

compromise are legal and acceptable one. Hence there is no impediment to accept the compromise filed before this Court. At this stage I am of the opinion that, award on such compromise can be passed by this court looking at the nature of the suit filed by the plaintiff.

10. **Point No.2:-** Upon the discussions made above, I proceed to pass the following..

O R D E R

This present compromise petition filed U/o.23 Rule 3 R/w sec.151 of CPC and Joint Memo filed by the petitioners and respondent No.1 for total compensation amount of Rs.21,75,000/- is hereby allowed.

Draw award accordingly.

(RAJESH M. KAMATE)

XVII Addl. Judge, Court of Small Causes
& Member MACT,
Mayo Hall Unit, Bengaluru.