

ITEM NO.2

COURT NO.1

SECTION XV

BEFORE THE SUPREME COURT LOK
HELD AT NEW DELHI

ADALAT

(Organised by National Legal Services Authority and Supreme Court Legal Services Committee under Section 19 of the Legal Services Authorities Act, 1987 (Central Act))

Proceedings of the Civil Appeal No.404/2010 @
Petition(s) for Special Leave to Appeal (Civil) No(s).7459/2009
of Lok Adalat
(From the judgement and order dated 27/06/2008 in MFA No.
3163/2004 of The HIGH COURT OF KARNATAKA AT BANGALORE)

S.VENKATESH

Petitioner(s)

VERSUS

M/S ORIENTAL INSURANCE CO.LTD.& ANR.

Respondent(s)

Date: 16/01/2010 : Members of Lok Adalat

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. V.N. Raghupathy, Adv.

For Respondent(s) Mr.S.L.Gupta, Adv.
Mr.G.C.Tyagi, Adv.
Mr.P.K.Singh, Adv.
Mr.Anand V.Sharma, Adv.
for Mr. Goodwill Indeevar, Adv.

A W A R D

The dispute between the parties having been referred for determination to the Lok Adalat and the parties having compromised/settled the case, the following award is passed in terms of the settlement :-

Leave granted.

The claimant is the appellant before us. The appellant was a driver and he suffered injuries to his tibia and fibula in the right leg and he has undergone surgery after the accident. The Commissioner for Workmens' Compensation granted a sum of Rs.5,27,880/- with 12% interest p.a. from

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15.03.2002. Aggrieved by this, the insurance company filed an appeal before the High Court and the High Court, in appeal, reduced the amount to a sum of Rs.4,22,304/- by holding that the disability suffered by the appellant was not to the extent of 100% but 80%. This is challenged by the appellant before us.

Heard both sides and the matter is settled between the parties, after discussion.

In our opinion, the reduction of the compensation by the High Court was not justified. The total compensation to be paid by the insurance company is fixed at a sum of Rs.4,50,000/- with 12% interest p.a. w.e.f. 15.03.2002. The amount already paid by the insurance company will be adjusted. Rest of the amount may be paid to the appellant within a period of two weeks by the insurance company.

The Civil Appeal is disposed of accordingly.

The parties are informed that the court fee, if any, paid by any of them shall be refunded.

Petitioner(s)/Appellant(s)

Respondent(s)

.....J.
(A.K.Patnaik)
Member, Lok Adalat

.....J. CJI
(Dalveer Bhandari) (K.G.Balakrishnan)
Member, Lok Adalat Member, Lok Adalat
(Seal of the Committee)