

SUCCESS STORIES WHICH WERE SETTLED BEFORE NATIONAL LOK ADALATS

Some of the cases highlighted as success stories which were settled in the National Lok Adalat held on 11.02.2017 and 08.04.2017 are as follows:

1. Dharwad District (Crl.Misc. 180/2014)

a) In this case, the petitioner had filed petition u/s 125 Cr.P.C. in the year 2014 for maintenance of herself and her children. The respondent had seriously contested the matter. In the month of March 2015, the matter was referred to Lok Adalat, but, there was no success. Even after several sittings, conciliation failed. Question of educating the children was a serious issue. Several interim applications were pending. This matter was again referred to the National Lok Adalat dated 11.02.2017. In this Lok Adalat, the matter could be settled as a result of the efforts made by the Judicial as well as the Advocate Conciliator.

The respondent has agreed to pay Rs.1,75,000/- within 8 months and also agreed to give 30 guntas of land to the petitioners. Accordingly, joint memo filed and accepted in the Lok Adalat. Parties were happy and satisfied as the dispute was settled Amicably.

2. Kolar District (O.S. 86/2011) I Addl. Civil Judge Court, Kolar

a) Sri. N. Shivanna S/o Nageshaiah, of Shettimadamangala village, Sugutur Hobli, Kolar Taluk had filed suit on **25-01-2011** against Sri. Kullappa and others for declaration of title and permanent injunction in respect of a vacant site situated at Shettimadamangala Village, Sugutur Hobli, Kolar Taluk.

This was a 7 years old case in which the correctness of the decrees passed in O.S. No. 535/2010, O.S. No. 166/2009 and O.S. 289/2009 were questioned. Parties hotly contested the case. Even miscellaneous appeal was filed against the interim orders.

Though in the year 2014 itself, the Presiding Officer seeing the element of settlement, advised the parties to go for negotiations and there was negotiation, settlement could not be achieved.

On 3-2-2017, after persistent efforts by the Presiding Officer, the matter was referred to Lok Adalat held on 11.02.2017. After lot of efforts by the conciliators, consensus was arrived between the parties and ultimately the matter was settled. Accordingly, the suit against the defendant No. 2 to 4 was dismissed as per the memo of the plaintiff and the plaintiff and defendant No. 1 got the matter settled through a compromise decree.

Thus, not only the 7 year old case was settled in Lok Adalat, but also the problem of questioning other three decrees in suits stated above and reopening of the matters in issue in those cases was prevented.

(b) C.Mis (FC) 71/2016 Pri. Family Court, Kolar

The Petitioner wife had filed the miscellaneous petition U/s 125 of Cr.P.C., seeking the relief of monthly maintenance of Rs. 20,000/- from the respondent husband.

The petitioner and respondent got married on 30-10-2015 at Kolar. The petitioner is a housewife and the respondent is a petty businessman. Both the parties had hotly contested the petition by engaging Advocates and once it was referred to Mediation, but was not settled.

Looking to the fact that the petitioner was just 28 year old and respondent was 30 year old, the Court felt it necessary to again move for negotiation to save their marital relationship. Hence, the matter was referred to Lok Adalat again and taken up before Lok Adalat on 11-2-2017 and after long drawn negotiation, the matter was settled. Both the petitioner and the respondent agreed for reunion and the matter was settled.

3. Udupi District (OS No.174/1999 on the file of Addl. Sr. Civil Judge and ACJM)

(a) This suit for partition and separate possession of the schedule immovable properties was instituted on 9.12.1999.

2. The defendant had opposed the partition by contending that plaintiffs had lost right in plaint A schedule property by abandonment and ouster, and that he has perfected his title by adverse possession.

3. The suit came to be decreed as on 24.04.2009 and appealed before Hon'ble High Court in MSA 98/2010, which came to be disposed of. The order of the Hon'ble High Court was challenged in Civil Appeal 10767/2016 before Hon'ble Supreme Court of India, which came to be disposed of on 8.11.2016, remanding the matter to trial court for fresh consideration and disposal within 3 months from the date of receipt of the order. Both the parties once again appeared before the trial court.

4. The learned counsels for the plaintiffs and defendants were senior Advocates practicing since more than 2 decades. As per the request and suggestion of the trial court, Advocates representing the parties along with conciliators held several sittings and conciliated the matter. During conciliation survey of the disputed land was held. Certain amendments were carried out in the pleadings.

5. The counsel for the plaintiff and defendant assisted the conciliators and matter was taken up for negotiations before the Lok Adalat on 11.02.2017.

6. On 11.02.2017, amendment was carried out to the original plaint and power of attorneys of all the concerned parties were filed. But, the compromise was recorded on 15.02.2017.

Due to the consistent efforts of the Judicial Officer, Advocates representing the parties, Judicial and Advocate conciliators, a partition suit of the year 1999 was settled amicably restoring the relationship between the family members, who were in logger heads.

In Dharwad District

1) O.S.160/2013: This was a suit for specific performance of an agreement to sell dated: 23-08-2012 pending before learned I Addl Civil Judge & JMFC Dharwad. The defendant had contested the suit seriously. Contention of the defendant was that he had taken loan from the plaintiff. This case was once sent to mediation. Relating to this matter, another case No. CC 275/2016 was also pending. All the efforts for settlement were failed. Finally it was referred to Lok Adalat dated:08-04-2017. In the Lok Adalat, this matter was deliberated along with C.C.275/2016. After due deliberations, the defendant agreed to pay Rs.1,00,000/- to the plaintiff. Both the matters were settled as per the terms reported. Here a suit of about 5 years old along with a criminal case was settled in Lok Adalat.

In Kolar District

2) CrI. A. 51/2015 I Addl. District and Sessions Judge Court, Kolar

A Criminal Appeal was filed against the Judgment of Conviction passed in C.C. No. 738/2013 by the PrI. Civil Judge and JMFC., Kolar for the offence punishable u/s 138 of NI Act.

The complainant had alleged that accused had raised hand loan of Rs. 3,00,000/- in the month of December 2012, the accused had issued cheque to discharge that liability, said Cheque was dishonoured and notice was sent and then the complaint was lodged. The accused contested the petition on the ground that the cheque was issued for security for some loan, which was repaid by him and that the complainant mis used the same to lodge the complaint.

On appreciation of the facts Hon'ble Presiding Officer felt that the entire case was fought due to mis-understandings between the parties, he advised the parties for compromise and referred it to Lok Adalat.

After conciliation and deliberation, the dispute was settled for Rs.2,50,000/-. Thus, a four year old pending litigation was disposed off in the Lok Adalat on 08.04.2017.

In Kodagu District

1) Case No. Ex. 95/2011

The Decree holder was petitioner in MVC No. 16/2010, who unfortunately met with an accident in the year 2009. MACT passed award in the year 2011 fixing liability on Judgment Debtor No.1 in this case, who was the owner of the offending vehicle.

The decree holder filed an execution petition in the year 2011 in Ex No. 95/2011. In spite of taking several steps, the award amount could not be recovered from Judgement Debtor No. 1. In a span of 6 years, the

decree holder was able to recover only Rs. 1,80,000/- out of total outstanding claim of Rs. 3,51,905/-, which includes interest. In the mean time, Judgment debtor fell ill and his health got deteriorated.

In this background, several attempts for conciliation was held before the matter was referred and taken before National Lok Adalat held on 08/04/2017. The decree holder, who was already known about difficulty in recovering the amount, was once again briefed about advantages of Give and take policy and he was convinced to arrive at one time settlement by giving up some amount.

Similarly the Judgment debtor and his wife, who were present before the court, were also made known of their outstanding liability and their obligation under law to pay the same and coercive steps that can be taken by the Decree Holder against the person and property of Judgment debtor. They were convinced to pay some amount in one stretch, which was agreeable for decree holder.

Thus the matter was settled and victim of road traffic accident which had occurred about 8 years back could get the award amount.

Report regarding AIR Misc. Cases – Chitradurga

On 18-03-2017 at about 11.00 a.m. there was a Road Traffic Accident near Rampura on Bellary-Challakere Road involving a Passenger Tempo Bearing Registration No. KA05 AC 1067, 2 auto-rickshaws bearing Registration Nos. KA16 B570 & AP02 Y 3410 and a Lorry bearing Registration No. UP70 DT 4584. It is said that the accident was only due to the rash & negligent driving of the driver of the Lorry bearing Registration No. UP70/DT-4584 which was proceeding from Bellary towards Challakere and dashed to the auto-rickshaws and the Passenger Tempo causing death of 14 persons and causing injuries to 29 persons and also damages to the vehicles.

Rampura Police of Molakalmur Circle, Chitradurga District registered Crime No. 25/2017 against the driver of the Lorry bearing registration no. UP70 DT 4584 for the offence punishable u/s 276, 337, 304 A of IPC and U/s 187 of Motor Vehicle Act on the basis of the First Information lodged by one of the injured Sri Ningappa and conducted investigation.

Hon'ble Executive Chairman of KSLSA and Hon'ble Chairman of HCLSC have directed the Chairman of DLSA, Chitradurga to take initiative on the basis of the above referred incident reported in both print and electronic media. The Chairman, DLSA, Chitradurga had in turn issued direction to the Investigation Officer to file Detailed Accident Report (DAR) as required to be filed as per the directions issued by the Hon'ble Supreme Court in Petition(s) for Special Leave to Appeal (c) Nos. 11801-11804/2005, dtd. 13-05-2016. Accordingly, the Investigation Officer had forwarded the copies of the FIR, First Information, list of the persons who died and list of the persons who have sustained injuries in the accident along with the copy of the driving licence of the driver of the

offending vehicle who is arrayed as accused and copy of the Insurance Policy of the offending vehicle which was insured with National Insurance Company.

After perusal of the documents, suo motu case was registered in AIR Misc case no. 75 to 117/17 and notices were issued to the victims/dependents and also to the owner and Insurance Company.

The DLSA, Chitradurga got referred all these AIR Misc cases to Lok Adalat by treating them as PLCs and conducted pre-conciliation sittings and required the parties concerned to produce the relevant documents. It had collected post mortem report along with legal heirship certificate. It had also collected the wound certificates of some of the victims. Since, all the vehicular documents including the insurance policy and the driving licence of the driver were in order, the Insurance Company admitted its liability and co-operated in conciliation.

After holding series of sittings to conciliate the difference, the parties arrived at a term in the regular Lok Adalat on 6-04-2017 wherein 10 cases, where death had occurred and 3 cases where the passengers have sustained injuries were came to be settled by awarding just compensation.

Therefore as per the initiative taken by the Legal Services Institution, victims of the accident were awarded with compensation of Rs. 88,08,000/- within a short span of 19 days. By the initiative taken by the DLSA, Chitradurga, the victims/dependants in 13 cases could get an award for compensation within no time, without approaching anybody seeking compensation. On the other hand they were to appear for conciliation and award was came to be passed on 6-04-2017. This has avoided the effort on the part of the victims/dependants to run from pillar to post seeking compensation.

District Legal Services Authority, Chitradurga was successful in settling 5 more cases in the regular Lok Adalat held on 13.04.2017 and as such in all 18 cases were settled and the total compensation that was awarded in favour of the various Victims was Rs. 1,14,35,000/-.

National Insurance Company which admitted its liability and co-operated the District Legal Services Authority, Chitradurga in awarding compensation of more than 1 Crore has shown a good gesture by depositing Rs. 12,00,000/- on 13.04.2017 itself i.e. within 27 days from the date of accident. They have undertaken to deposit the amount in other cases as early as possible.

In a very informal function that was arranged by District Legal Services Authority, Chitradurga on 15.04.2017 the Hon'ble Shri Justice L. Narayana Swamy, Judge, High Court of Karnataka and Chairman of High Court Legal Services Committee along with the Member Secretary of Karnataka State Legal Services Authority and the Chairman of District Legal Service Authority, Chitradurga participated and distributed the compensation to various Victims. Thus, as a result of the effort undertaken by Legal Services Institution in the State of Karnataka, the Victims of Road Traffic Accident could get an award within 19 days from the date of accident and even could get compensation within 29 days.

In this exercise of awarding and distributing the compensation within a short span of time the Police, Doctors, Revenue officials, Advocates and the Insurance Company have extended their fullest cooperation. But for their support, the matters could not have been settled within 19 days and the award amount could not have been paid to the Victims within 29 days.

Report regarding Misc. Case No. 20.2017, dated 13.04.2017- D.K. Mangaluru

During the Trial of accused Mr. Jawarharlal Bhog S/o Rohidas Bhoga, House No.1, Bazar Para, Karkapaal, Kodekurse village, Vikaas Khand, Durgkondal, Uttar Bastaar, Bhanupratappur Taluk, Kaamker District (Kodi P.S.), Chattisghad State, in Case No.S.C.No. 67/2014 U/s 302 IPC (Crime No.81/204 of Moodabidre P.S.) (Date of Arrest 01.05.2014) before the 1st Additional District and Sessions Court, Dakshina Kannada District, Mangaluru, the court having observed the behaviour of the accused ordered the jail authorities to take him to NIMHANS, Bengaluru and submit report regarding his mental status. Accordingly, jail authorities took the accused to NIMHANS, Bengaluru and submitted the report obtained from NIMHANS about the mental status of Mr. Jawaharlal Bhog. The court looked into the report and got satisfied itself from the said medical report that the accused is mentally ill and accordingly acquitted Sri Jawarharlal Bhog from case no.S.C.No.67/2014 and in order to protect said Jawaharlal Bhog who is mentally ill ordered on 22.02.2017 to register Miscellaneous case. Accordingly, the 1st Additional District and Sessions Court, Dakshina Kannada District, Mangaluru, Misc. Case No.20/2017 was registered and in respect of the said case the Public Prosecutor was appointed as Amicus curie and ordered on 13.04.2017 District Legal Services Authority, Dakshina Kannada District, Mangaluru, and Inspector of Police, Moodabidre Police Station to co-operate to find out the relatives of the said Jawaharlal Bhog and to find out suitable rehabilitation centre for mentally ill in Chhattisgarh State. As per the direction in the said order District Legal Services Authority, Dakshina Kannada District, Mangaluru, wrote a letter on 20.04.2017 to the District Court of Kaamker District, Chhattisgarh State and through a letter and E-mail requested Kaamker District Legal Services Authority, to find out the

family members of Sri Jawaharlal Bhog, giving the summary of Sri Jawaharlal Bhog's case.

As there was no response in this regard either from the District Court of Kaamker District, Chhattisgarh State or Kaamker District Legal Services Authority Chhattisgarh State, The Member Secretary, Karnataka State Legal Services Authority and the Member Secretary of District Legal Services Authority, D.K. Mangaluru who have gone to Delhi to participate in the National Conference of Para Legal Volunteers brought to the notice of Member Secretary of Chhattisgarh State Legal Services Authority about the case of Mr. Jawaharlal Bhog. Then the Member Secretary of Chhattisgarh State Legal Services Authority who took up the matter with Kaamker District Legal Services Authority, Chhattisgarh State and through them traced out the family members of Jawaharlal Bhog and details such as their name, address and telephone number were sent by E-mail dated 02.05.2017 to D.K. Mangaluru. Accordingly, on 03.05.2017 Dakshina Kannada District Legal Services Authority, Mangaluru through a letter informed the inspector of police of Moodabidre police station to bring before the Mangaluru Court family members of Mr. Jawaharlal Bhog who have been traced and to send with them the said Mr. Jawaharlal Bhog with them after obtaining the permission from the court. As per this letter the inspector of police of Moodabidre police entrusted Head Constable No.2011 Sri Vijaya Kannchan and constable No.610 Sri Akhil Ahmad of Moodabidre Police Station to bring the family members of the said Mr.Jawaharlal Bhog from Chhattisgarh state. As per the instructions of their inspector, the said police constables went to the Naxal affected areas in Chhattisgarh state with lot of efforts found out Mr. Nohar Bhogba elder brother of the said Mr.Jawaharlal Bhog and his friend Bian Kumar Yadav to Mangaluru.

As the family members of Mr.Jawaharlal Bhog have been traced out and his brother has decided to take him to Chhattisgarh State, Dakshina Kannada District Legal Services Authority, Mangaluru had filed an application before the 1st Additional District and Sessions Court, Dakshina Kannada District, Mangaluru, praying for suitable order to send Jawaharlal Bhog with his brother and his friend to his native place and the court allowed that application and ordered to send Jawaharlal Bhog with his brother and his friend to his native place. Accordingly he was sent with his relatives.

This man was in judicial custody for about three years as police officers did not observe his mental status and with the positive efforts learned on the part of the 1st Additional District and Session Judge and the District Legal Services Authority, this man was released from the jail and joined his family members. Hence this can be termed as “**Successful Case**”.

A Special Report - Shivamogga

About success in getting the bus services to villages of Shivamogga Taluk which had no connectivity with the outer world

On 20.01.2017, District Legal Services Authority, Shivamogga had arranged Legal Awareness programme in Maleshankara village which is one of the backward villages in Shivamogga taluk. On that occasion, the villagers of the said village brought to the notice of the officers of the Authority that though they were rehabilitated in the back drop of Sharavathi Project and that they submitted many memorandums to the State government, there was no bus facility to their village. Subsequently, on 23.03.2017, the said villagers gave a representation to the office of the District Legal Services Authority, Shivamogga about the said problem. The Legal Services Authority took steps immediately on

27.02.2017 and called a meeting of the concerned officers, discussed about the problem and letters were written to the concerned Authority. The Legal Services Authority frequently called the meeting of the concerned officials and discussed about providing bus facilities to Maleshankara village and finally succeeded in getting bus services to the said village.

The villagers celebrated the commencement of bus service to their village and remembered the co-operation and initiation shown by District Legal Services Authority, Shivamogga and a report in this regard was published in "Vijaya Karnataka", a Kannada daily. Even the officials of Karnataka State Road Transport Authorities have submitted a report about providing bus services to the remote village Maleshankara in Shivamogga. Hence, this can be termed as **"Special initiative taken up by DLSA Shivamogga"**.
