

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.M.A. No.2677 of 2004

JUDGMENT:

This appeal arises out of the Award in O.P.No.700 of on the file of MACT-cum-IV Additional District Judge, Karnool, awarding compensation of Rs.13,915/- as just compensation in the facts and circumstances of the case.

The Tribunal awarded the said compensation as against the first respondent with due indemnity from the second respondent.

The relevant portion of the Award is as follows:

“ In the result, an award is passed for a sum of Rs.13,915/- with proportionate costs and subsequent interest at the rate of 12% thereon from the date of the petition till the date of realisation. Advocate fee is fixed at Rs.500/-. Accordingly, a decree shall follow against the first respondent with due indemnity from the second respondent-insurance company under the original of Ex.B.1”.

Though the appeal is preferred by the Insurance Company, in view of the observation of the Tribunal as above and in view of the decision of the Hon'ble Supreme Court in ***New India Assurance Company Limited v. Asha Rani***^[1] as clarified in ***National Insurance Company Limited v. Baljit Kaur***^[2], the learned counsel for appellant fairly submits that the appeal need not be pursued.

Accordingly, the Appeal is dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

09.02.2016

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^[1] (2003) 2 SCC 223

[\[2\]](#) (2004) 2 SCC 1