

THE HON'BLE SRI JUSTICE A.V. SESA SAI

CIVIL MISCELLANEOUS APPEAL No.904 OF 2016

JUDGMENT:

This matter was referred to Lok Adalat and the Lok Adalat on 13.08.2016 passed the following award:

1. *"Sri Akshay Kulkarni, Legal Officer, ICICI Lombard General Insurance Company Limited, and Sri A.Madhava Reddy, learned counsel for respondents/applicants and both the parties are present. The matter has been settled amicably between the parties.*
2. *The 1st applicant—Laxmamma is stated to be no more. The 3rd applicant Smt.P.Venkatamma, is present along with her counsel Sri A.Madhava Reddy. The 2nd applicant is minor daughter of deceased 1st applicant.*
3. *The applicants filed C.M.A. M.P. No.1229 of 2016 to discharge the 1st applicant as guardian to 2nd applicant and to appoint 3rd applicant—grand mother as guardian to the 2nd respondent. The copy of death certificate of 1st applicant is filed wherein it is stated that she died on 05.01.2011. In view of the same, the 3rd applicant is represented by 2nd applicant.*
4. *It is stated by both parties that they have amicably settled their dispute and in pursuance of the compromise between them, the respondents/ applicants agreed to forego 10% out of principle amount i.e., Rs.3,94,235/- awarded by the learned Commissioner and agreed to receive Rs.3,54,812/-.*

5. Accordingly, the award is passed for an amount of Rs.3,54,812/- in favour of respondents/applicants in full quittance of their claim against the respondent—Insurance Company. The respondent shall be entitled to refund of Rs.39,423/- out of the deposited amount with accrued interest thereon, if any and the applicants will be entitled to balance amount with accrued interest thereon, if any.
6. The share of 1st applicant is apportioned equally among applicants 2 and 3. The 3rd applicant is permitted to withdraw her entire respective share and she being guardian of 2nd applicant, can withdraw the interest accrued on the share of 2nd applicant, which is kept under F.D.R, to meet the expenses and welfare of 2nd applicant.
7. The parties are informed that the court fee, if any, paid by any of them before lower court shall be refunded.”

In view of the above, there shall be a decree in terms of the settlement arrived at before the Lok Adalat.

Accordingly, the present Civil Miscellaneous Appeal stands disposed of. Miscellaneous petitions pending consideration, if any, stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

20.09.2016
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