

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A. MP. No. 2236 of 2017

IN/AND

M.A.C.M.A. No. 1271 of 2013

COMMON JUDGMENT:

MACMA No.1271 of 2013 is filed by Madhucon Granites Limited, against the Award dated 20.08.2011 passed in MVOP No.562 of 2009 by the Motor Accidents Claims Tribunal (Before the I Additional District Judge, Ongole).

2. Brief facts of the case are that on 10.07.2009, at 12:30 noon, the deceased Paluri Narayana Reddy, who was an employee under the appellant, was operating JCB Hydraulic motor vehicle bearing registration No.AP-20V-0001 for removing a granite stone, and the granite stone fell on the cabin of the JCB vehicle due to which the deceased got crushed under the weight of the granite stone and sustained multiple injuries to his body and died on the spot. The petitioners, who are the parents of the deceased, filed the claim petition against 1st respondent-owner of the JCB, and the 2nd respondent-insurer, claiming compensation of Rs.10,00,000/- with interest at 12% per annum on account of the death of the deceased.

3. The Tribunal, considering the oral and documentary evidence, has awarded compensation of Rs.7,24,500/-, with proportionate costs and interest at 6% per annum, against the appellant herein, who is the owner of the crime vehicle-JCB Hydraulic bearing registration No.AP 20V 0001. The claim against the insurance company was dismissed. Aggrieved by the Award passed by the Tribunal, the appellant-owner of the crime vehicle filed this appeal.

4. This Court, vide order dated 26.09.2012, while ordering notice to the respondents-claimants, has granted interim stay subject to deposit of half of the compensation amount awarded by the Tribunal with proportionate costs and interest.

5. The appellant has filed MACMA MP No.2236 of 2017 requesting to record the compromise as per the terms agreed in the Memo of Compromise, and close the appeal.

6. Heard learned counsel for the appellant, and learned counsel for the respondents-claimants.

7. Sri B.S. Prasad, learned counsel for the appellant, and Sri K. Anand Rao, learned counsel for the respondents-claimants are present. The appellant-Madhucon Granites Limited, represented by Korabandi Jayanth, Assistant General Manager (Quarries); and the respondents-claimants Paluri Venkateswara Reddy and Paluri Venkata Subbamma, are also present before the Court, and they are identified by their respective counsels.

8. The counsel appearing on behalf of parties of both sides stated that the parties have agreed for the terms of compromise recorded in the Memo of Compromise filed in MACMA MP No.2236 of 2017. It is further submitted by both the counsel that, as per the terms of compromise, the appellant has handed over two Demand Drafts to the claimants. The D.D.No.746667 dated 27.02.2017 for Rs.2,80,000/- drawn in favour of 1st petitioner-Paluri Venkateswara Reddy, and the D.D.No.747448 dated 18.03.2017 for Rs.1,80,000/-

drawn in favour of 2nd petitioner-Paluri Venkata Subbamma, are handed over to the claimants-petitioners.

9. Learned counsel for the respondents-claimants further submitted that the total compensation awarded by the Tribunal, with interest and proportionate costs was around Rs.8,20,000/-, and out of which an amount of Rs.4,10,000/- was deposited before the Tribunal as per the orders of this Court at the time of granting interim stay vide order dated 26.09.2012. It is further submitted that the claimants have withdrawn half of the deposited amount, and the remaining amount is lying before the Tribunal, and therefore requested to permit the claimants to withdraw the remaining amount as per the terms of above compromise.

10. On considering the request of the learned counsel, and the parties present in the Court have since agreed for the terms of compromise, I deem it appropriate to dispose of the appeal in the light of Memo of Compromise filed in MACMA MP No.2236 of 2017, and permit the claimants to withdraw the balance of deposited amount lying before the Tribunal, as per the terms of the Award.

11. In the result, MACMA MP No.2236 of 2017 is ordered, and the appeal is disposed of. The claimants are permitted to withdraw the balance of deposited amount lying before the Tribunal. No costs. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

28th April, 2017
KSM

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