

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.13266 of 2017

18.09.2017

Between:

Smt.Ghousia Begum and another

..Petitioners

and

The Lok Adalat,  
represented by its Presiding Officer,  
City Civil Court, Legal Services Authority, Hyderabad and others

..Respondents

Counsel for the petitioners: Mr.Prabhakar Sripada

Counsel for respondent No.1: Mr.Jukanti Anil Kumar

Counsel for respondent No.2: Mr.Buruju Papa Reddy

Counsel for respondent Nos.3 to 5: Mr.U.P.Rao

The Court made the following:



**ORDER:** (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed by the parents of one Mohammed Sardar (hereinafter referred to as 'the deceased') feeling aggrieved by award, dated 11.02.2017, passed by the Lok Adalat, City Civil Court, Legal Services Authority, Hyderabad, in Lok Adalat Case No.300 of 2017 in respect of O.P.No.227 of 2014 on the file of learned IX Additional Chief Judge-cum-Chairman, Motor Accidents Claims Tribunal, City Civil Court, Hyderabad.

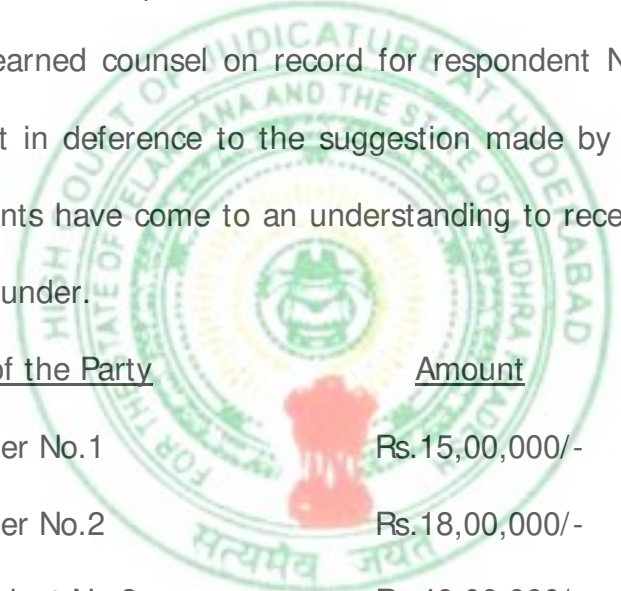
2. The brief facts leading to the filing of this writ petition are summarized hereunder.

The deceased married respondent No.3 on 25.03.2011 at Hyderabad. Through the wedlock, respondent Nos.4 and 5 – twin daughters were born to the couple on 22.02.2012. The deceased was one of the forty-five ill-fated passengers, who were done to death on account of a Volvo bus proceeding from Bangalore to Hyderabad getting gutted in a fire accident on 30.10.2013. Respondent No.3 along with her two minor children - respondent Nos.4 and 5 filed the aforementioned O.P. claiming Rs.3,00,00,000/- as compensation from respondent No.2 - insurance company, with which the bus was insured. The petitioners herein, who are the parents of the deceased, were respondent Nos.3 and 4 in the O.P. Pursuant to an understanding reached between respondent No.2 on one side and respondent No.3 on the other, the dispute was referred to the Lok Adalat. Respondent Nos.1 and 2 appeared to have filed a joint memo before the Lok Adalat, based on which, it has passed the impugned award for a sum of Rs.1,43,00,000/-; out of which, Rs.1,00,00,000/- was apportioned to respondent No.3, Rs.10,00,000/- each to the minor children – respondent Nos.4 and 5 and Rs.10,00,000/- and Rs.13,00,000/-

to petitioner Nos.1 and 2 respectively. Feeling aggrieved by this award, the present writ petition is filed by the parents of the deceased on the ground that as they were not parties to the purported compromise agreement with respondent No.2 – insurance company, the award does not bind them.

3. During the previous hearings, this Court suggested to both the parties to arrive at a mutually agreed settlement instead of fighting over the litigation.

4. Mr.Prabhakar Sripada, learned counsel for the petitioners and Mr.U.P.Rao, learned counsel on record for respondent Nos.3 to 5, have submitted that in deference to the suggestion made by this Court, their respective clients have come to an understanding to receive the amounts as stated hereunder.



| <u>Name of the Party</u> | <u>Amount</u>       |
|--------------------------|---------------------|
| Petitioner No.1          | Rs.15,00,000/-      |
| Petitioner No.2          | Rs.18,00,000/-      |
| Respondent No.3          | Rs.40,00,000/-      |
| Respondent No.4          | Rs.35,00,000/-      |
| Respondent No.5          | Rs.35,00,000/-      |
| Total                    | Rs.1,43,00,00,000/- |

5. The petitioners as well as respondent No.3 are personally present in the Court and they have informed that they entered into the aforementioned arrangement of their own free will and free consent. Respondent No.3 has also expressed her willingness for keeping the shares of her minor children – respondent Nos.4 and 5 in fixed deposits till they attain majority. All other parties are permitted to withdraw their

respective shares. All the parties have, accordingly, agreed to modify the Lok Adalat award. Learned IX Additional Chief Judge-cum-Chairman, Motor Accidents Claims Tribunal, City Civil Court, Hyderabad, is directed to deposit the respective shares of the minor children - respondent Nos.4 and 5 in the interest yielding fixed deposits in any nationalized bank till they attain majority.

6. The impugned Lok Adalat award is modified to the extent indicated above and the Writ Petition is, accordingly, disposed of.

7. As a sequel to disposal of the writ petition, W.P.M.P.No.16466 of 2017 filed by the petitioners for interim relief shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

18<sup>th</sup> September, 2017  
GHN