

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

Cross-Objections (SR).No.5607 of 2015

In/and

M.A.C.M.A.No.3289 of 2014

Date:06.9.2018

MACMA.No.3289 of 2014

Between.

ICICI Lombard General Insurance Co.
Ltd., Hyderabad, reple by its Manager-Legal

....Appellant

And.

Sangeetha Bajaj,
W/o Late Ashok Kumar Bajaj
and seven others.

...Respondents

Counsel for the appellant: Mr. Mahboob Hussain

Counsel for respondent Nos.1 to 5: Mr. Pramod Kumar Kedia

Counsel for respondent Nos.6 & 7: None appeared

The Court made the following:

COMMON JUDGMENT: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Civil Miscellaneous Appeal is filed against award and decree, dated 09.5.2014, in OP.No.247 of 2009 on the file of the I Additional Metropolitan Sessions Judge-cum-XV Additional Chief Judge, Hyderabad.

Aggrieved by certain findings rendered by the lower Court in the afore-mentioned Award, the claimants therein filed Cross-Objections (SR) No.5607 of 2015.

For convenience, the parties are referred as they are arrayed in the Appeal.

By the afore-mentioned Award, the Court below has fixed compensation at Rs.46,76,460/- for the death of one Ashok Kumar Bajaj-husband of respondent No.1, father of respondent Nos.2 and 3 and son of respondent Nos.4 and 5.

The appellant-company has addressed letter, dated 07.8.2018, seeking reference of the dispute to the Lok Adalat for settlement. However, at the instance of this Court, the learned counsel for both parties have obtained instructions from their respective clients. On such instructions, both the learned counsel submitted that their respective parties have agreed that the compensation may be fixed at Rs.47,96,000/- and that respondent Nos.1, 2, 3, 4 and 6 (respondent No.5 is stated to have died) have agreed to receive the said sum of Rs.47,96,000/- as full and final settlement of their claim.

In the light of the agreement reached between the parties on both sides, the Civil Miscellaneous Appeal is disposed of holding that the appellant in all is liable to pay a compensation of Rs.47,96,000/- to respondent Nos.1, 2, 3, 4 and 6-claimants. As the appellant agreed to deposit the balance compensation within one month from the date of receipt of a copy of this order, it shall do so. As respondent No.5 is stated to have died, the remaining respondents-claimants are entitled to file appropriate application before the lower Court for payment of her share of compensation to them. On deposit of the balance compensation, respondent Nos.1, 2, 3, 4 and 6-claimants are entitled to withdraw the same without furnishing any security in proportion to their shares as fixed by the lower Court.

Consequent to disposal of the Appeal, Cross-Objections (SR).No.5607 of 2015 shall stand disposed of as infructuous.

As a sequel to disposal of the Appeal, interim order, dated 12.9.2014, in MACMAMP.No.4349 of 2014 is vacated and MACMAMP.No.4349 of 2014 shall stand disposed of as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHAYM PRASAD

06th September, 2018

DR