

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

MACMA.No.2261 of 2018

Date: 23.08.2018

Between:

Bharati AXA General Insurance Co. Ltd.,
Rep. by its Manager, Gokul Towers,
Opp: NIMS Hospital, Panjagutta,
Hyderabad (Cover Note No.32035705)

..Appellant/respondent No.2

and

C.Sharada and 3 others

..Respondents

Counsel for the Appellant:

**Mr.Kota Subba Rao,
Standing Counsel**

Counsel for respondent Nos.1 to 3:

Mr.A.Keshava Reddy

The Court made the following:

Judgment: (Per the Hon'ble Sri Justice Gudiseva Shyam Prasad)

This Appeal arises out of Award and Decree, dated 19.12.2017, in MVOP.No.1506 of 2014, on the file of the Motor Accidents Claims Tribunal –cum- XIII Additional Chief Judge (Fast Track Court), City Civil Court, Hyderabad.

Respondent Nos.1 to 3/claimants have filed the aforesaid MVOP under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.40 lakhs on account of the death of the deceased C.V.Mohan in a motor accident that occurred on the intervening night of 24/25-11-2013. The Tribunal, on consideration of the evidence available on record, has awarded a compensation of Rs.37,40,958/- together with interest @ 6% pa., from the date of the petition till realization with proportionate costs. Aggrieved by the quantum of compensation, the appellant- Bharati AXA General Insurance Company Limited, who is respondent No.2 therein, has filed this Appeal.

At the hearing, respondent No.2 is personally present. Mr.A.Keshava Reddy, learned Counsel for respondent Nos.1 to 3, on instructions, submitted that his clients have agreed to forego an amount of Rs.2,55,000/- from out of the compensation of Rs.37,40,958/-, as awarded by the Tribunal,

and requested to confirm the impugned award in respect of the remaining amount. The learned Counsel for the appellant, on instructions, agreed to the said proposal.

Keeping in view the consensus reached between the Counsel and the parties, the Appeal is allowed in part by reducing the compensation awarded by the Tribunal from Rs.37,40,958/- to Rs.34,85,958/-. The remaining part of the award stands confirmed. The appellant is directed to deposit the compensation within one month from the date of receipt of a copy of this order. On such deposit, respondent Nos.1 to 3 are permitted to withdraw their proportionate shares in terms of the award passed by the Tribunal, without furnishing any security.

As a sequel to dismissal of the Appeal, IA.No.2 of 2018, filed by the appellant for interim relief, is disposed of as infructuous.

(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 23rd August, 2018
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