

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2714 OF 2013 AND I.A.NO.2 OF 2019
IN M.A.C.M.A.NO.2714 OF 2013

COMMON JUDGMENT
(*Per Hon'ble Sri Justice Sanjay Kumar*)

Royal Sundaram Alliance Insurance Company Limited, respondent 2 in O.P.No.914 of 2011 on the file of the Motor Vehicle Accidents Claims Tribunal-cum-the Court of X Additional Chief Judge, City Civil Court, Hyderabad, is the appellant in this appeal filed under Section 173 of the Motor Vehicles Act, 1988. The appeal was preferred against the order and decree dated 22.06.2013 passed in the said O.P., whereby the appellant insurance company was required to pay a sum of Rs.30,36,200/- as compensation to the petitioners in the said O.P., respondents 1 to 3 herein, with interest thereon at 7.5% per annum from the date of presentation of the petition, viz., 08.03.2011, till the date of deposit or realization, whichever was earlier.

By order dated 05.12.2013, this Court granted interim stay of the order and decree under appeal subject to the condition that the appellant insurance company deposited 50% of the decretal amount along with costs and interest within a time frame. The petitioners in the O.P., respondents 1 to 3 herein, were held entitled to withdraw the said amount proportionately without furnishing security.

While the matters stood thus, it appears that efforts were made by the appellant insurance company to settle the matter with respondents 1 to 3, the petitioners in the O.P.

At this stage, it may be noted that petitioner 2 in the O.P., the mother of the deceased, expired on 06.06.2017.

I.A.No.2 of 2019 was filed by the other two petitioners in the O.P., respondents 1 and 3 herein, seeking a direction that the amount of compensation payable to respondent 2 may also be disbursed in their favour. I.A.No.2 of 2019 is accordingly ordered.

Sri Kota Subba Rao, learned counsel for the appellant insurance company, would inform this Court that in terms of the settlement arrived at by and between the parties, in addition to the amount already deposited pursuant to the interim order dated 05.12.2013 passed in this appeal which has also been withdrawn by respondents 1 to 3 proportionately, the appellant insurance company would pay in lump sum the amount of Rs.22,00,000/- in full and final settlement and in full satisfaction of the order and decree dated 22.06.2013 in O.P.No.914 of 2011.

Sri Pasham Krishna Reddy, learned counsel appearing for respondents 1 and 3, petitioners 1 and 3 in the O.P., states that his clients are willing to settle for this compromise.

A.Prabhakar, respondent 1, the father of the deceased, is present in person and produced his Aadhaar Card in proof of his identity. He stated that he was willing to settle the matter in terms of the offer made by the appellant insurance company.

The appeal is accordingly allowed setting aside the order and decree dated 22.06.2013 passed by the Motor Vehicle Accidents Claims Tribunal-cum-the Court of X Additional Chief Judge, City Civil Court, Hyderabad, in O.P.No.914 of 2011. In substitution of the amounts payable in terms of the said order and decree, the appellant insurance company shall deposit the sum of Rs.22,00,000/- to the credit of O.P.No.914 of 2011 on the file of the Motor Vehicle Accidents Claims Tribunal-cum-the Court of X Additional Chief Judge, City Civil Court, Hyderabad, in full and final settlement of the claims

of respondents 1 and 3. This amount shall be deposited within six weeks from the date of receipt of a copy of this order. Upon such deposit, respondents 1 and 3 are permitted to withdraw the amount so deposited unconditionally in equal shares.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

12th APRIL, 2019

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