

THE HON'BLE SRI JUSTICE A. VENKATESHWARA REDDY

C.M.A.No.631 of 2006

JUDGMENT:

This Civil Miscellaneous Appeal is preferred by the appellant/respondent No.2/New India Assurance Company Limited assailing the orders dated 15.02.2006 in W.C.No.27 of 2005 before the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, R.T.C. Cross Roads, Hyderabad.

2. W.C.No.27 of 2005 was filed by the applicant/widow of late Sri D. Narsimha claiming compensation under the provisions of Workmen's Compensation Act for the death of the deceased workman-D. Narsimha, who died in an accident while working as labourer on a lorry bearing AP28U-8765 belonging to B.S.V. Prasad. The Tribunal after full length of enquiry and on appreciation of oral and documentary evidence adduced on either side allowed the application and awarded an amount of Rs.2,13,683/- compensation together with stamp fee of Rs.428/- and advocate fee of Rs.500/- totalling Rs.2,14,611/- to be payable by both the opposite parties to the dependants of

the deceased workman. Both the opposite parties were directed to deposit the said amount by means of demand draft drawn on any nationalized bank and issue in favour of the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour-II, Hyderabad, within 30 days.

3. Heard the learned counsel on both sides. It is submitted by the learned counsel on behalf of the appellant that the matter was referred to the Lok Adalat for settlement, as per the proceedings dated 22.04.2022, but it could not be settled before the Lok Adalat and again returned back to this Court for disposal in accordance with law.

4. In the course of arguments, on a query posed by this Court, the learned counsel for the appellant seeks to submit that by reducing an amount of Rs.25,000/-, the order impugned may be confirmed. As such upon deliberations, finally it is agreed for payment of Rs.1,95,000/- compensation to the claimant-applicant/respondent No.1 instead of Rs.2,14,611/-. Thus, the

learned counsel on either side have agreed for payment of Rs.1,95,000/- to the claimant-applicant towards full and final settlement of her claim and the remaining amount of Rs.19,611/-, the appellant/ opposite party/insurance company is entitled to take back.

5. In the above circumstances, without looking into the merits or otherwise of the claim of the appellant/New India Assurance Company Limited in view of mutual understanding between the parties, the order impugned dated 15.02.2006 in W.C.No.27 of 2005 is modified as under:

The applicant-claimant/respondent No.1/widow of the deceased workman is entitled for an amount of Rs.1,95,000/- towards compensation and the appellant/ second opposite party-M/s. New India Assurance Company Limited is entitled for refund of Rs.19,611/-, out of Rs.2,14,611/- deposited before the Commissioner for Workmen's Compensation and Assistant Commissioner of

Labour-II, T. Anjaiah Karmika Samkshema
Bhavan, RTC Cross Roads, Hyderabad.

6. With the above modification, the order impugned is confirmed and the Civil Miscellaneous Appeal is disposed of. However, in the circumstances of the case, there shall be no order as to costs.

As a sequel, interlocutory applications, if any pending in this appeal shall stand closed.

A. VENKATESHWARA REDDY, J.

Date: 19.10.2022
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