

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

MAIN CASE No: C.M.A.No.184 of 2019

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
	08.05.2025	<u>DR.KMR,J</u> <u>I.A.No.1 of 2025</u> This application is filed to condone the delay of 409 days in filing the Review Petition. Heard. Considering the submissions and for the reasons stated in the accompanying affidavit filed in support of this application, the delay of 409 days in filing the Review Petition is condoned. Accordingly, I.A.No.1 of 2025 is allowed. <u>DR.KMR,J</u> <u>I.A.No.3 of 2025</u> This application is filed to dispense with the filing of original order dated 26.12.2023 passed in this C.M.A. Heard. Considering the submissions and for the reasons stated in the accompanying affidavit filed in support of this application, this I.A. is allowed and filing of original order is dispensed with. <u>DR.KMR,J</u> <u>I.A.No.2 of 2025</u> The application is filed to review the order dated 26.12.2023 passed in the C.M.A and modify the	

		Judgment. 2. Heard learned counsel for the petitioner and the learned counsel for the respondents. 3. Learned counsel for the review petitioner would contend that the compensation is payable as applicable on the date of the incident with interest. In the instant case, the date of incident is on 03.01.2009. As such, the compensation should be as per the prescribed compensation as on the date of accident i.e Rs.4,00,000/- along with reasonable rate of interest as per decision of the Hon'ble Apex Court in <i>Union of India v. Rina Devi (2019) 3 SCC 572.</i> Therefore, the appellants/ claimants are entitled to get compensation with interest @ 9% p.a taking the base amount of compensation of Rs.4,00,000/-, which the appellant/ claimant is entitled to. However, the claimant is entitled to compensation of Rs.8,00,000/- as per enhanced amount without any interest thereupon. 4. Perused the Judgment. 5. Learned counsel for the Review Petitioner placed on record the common order passed in I.A.No.1 of 2022 and I.A.No.2 of 2023 in C.M.A.No.1074 of 2018, wherein this Court at Para 8 held as follows: <i>“However, in a subsequent Judgment referred above, the Hon'ble Apex Court while considering the payment of interest and payment of enhanced compensation, was pleased to observe</i>	
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		<i>that:</i> <i>In case of death in an accident which occurred before amendment, the basic figure would be Rs. 4,00,000/-. If after applying reasonable rate of interest, the final figure were to be less than Rs.8,00,000/-, which was brought in by way of amendment, the claim would be entitled to Rs. 8,00,000/-. If however, the amount of original compensation with rate of interest were to exceed the sum of Rs. 8,00,000/-, the compensation would be in terms of figure in excess of Rs. 8,00,000/-. The idea is to afford the benefit of the amendment to the extent possible”.</i> 6. No doubt, there is an error crept with regard to amount awarded by this Court and also interest part in the Judgment inadvertently. Therefore, the claimant/ petitioner is entitled to compensation of Rs. 8,00,000/- without any interest thereupon. 7. Considering the submissions of learned counsel for the Review Petitioner, Paragraph Nos.14 and 15 of the order passed by this Court dated 26.12.2023 in C.M.A.No.184 of 2019 is modified as under: <i>“20. Following the decisions cited supra, this Court is inclined to allow the Civil Miscellaneous Appeal, while setting aside the impugned judgment passed by the learned Tribunal dated 05.02.2019 in OA/II/U/535 of 2009. The appellants/petitioners are permitted to claim</i>	
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		<i>compensation of Rs.8,00,000/- (Rupees eight lakhs Only) from the 1st respondent in equal shares without furnishing any security.</i> <i>21. With the above direction, the Civil Miscellaneous Appeal is allowed. The 1st respondent is directed to deposit an amount of Rs.8,00,000/- (Rupees eight lakhs Only), within two (02) months from the date of receipt of a copy of this order, if not already deposited. On such deposit, the appellants are permitted to withdraw the deposited amount, as per their shares in terms of the award, without furnishing any security. There shall be no order as to costs”.</i> 8. Registry is directed to make necessary corrections in the said order and issue revised/ amended copy of the order to the learned counsels. Accordingly, the application is allowed. DR.KMR,J TM	
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