

HIGH COURT OF ANDHRA PRADESH: AMARAVATI

MAIN CASE No: MACMA.No.1072 of 2008

12

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
21.	30.10.2025	<u>BSB, J</u> <u>I.A.No.02 of 2019 in M.A.C.M.A.No.1072 of 2008</u> This petition is filed to review under Order XLVII rule 1 C.P.C. to review the decree and judgment dated 29.11.2018 in M.A.C.M.A. No.1072 of 2008 on the file of this Court. The petitioners herein are the appellants / claimants. The respondents herein are the respondents throughout. The appeal was filed against the decree and award dated 02.12.1999 against the respondents Nos.1 and 2 therein partly allowing the claim awarding Rs.1,11,500/- with proportionate costs and simple interest @ 12% p.a., from the date of petition, till the date of realization payable by the respondents Nos.1 and 2 while dismissing the petition against the respondent No.3 as against the claim of compensation of Rs.2,00,000/-. The appeal against the respondent No.1 was dismissed for default. The appeal was decided against the respondents Nos.2 and 3 by	<i>Contd.,</i>

SL. NO.	DATE	ORDER	OFFICE NOTE								
	30.10.2025	allowing the appeal on 29.11.2018 by decreeing as follows:- “This Court doth order and decree as follows: 1. That the Appeal be and hereby is allowed. 2. That the award dated 02.12.1999, passed in O.P.193 of 1996 by the II-Additional Motor Accidents Claim Tribunal-cum-II Additional District and Sessions Judge, Nellore be and here by is set aside. 3. That the appellants/claimants be and hereby are entitled for the total compensation of Rs. 2,65,000/- (Rupees two lakhs sixty five thousand only). 4. That the first respondent being the owner of tipper bearing No. AP 26T 6918 and the second respondent being insurer are jointly and severally be and hereby are liable to pay compensation awarded of Rs. 2,65,000/- (Rupees two lakhs sixty five thousand only) 5. That the compensation amount awarded is be and hereby is apportioned among the applicants/claimants are here under <table><tr><td>Applicant No.1</td><td>Rs. 1,05,000/-</td></tr><tr><td>Applicant No.2</td><td>Rs. 1,00,000/-</td></tr><tr><td>Applicant No.3</td><td>Rs. 30,000/-</td></tr><tr><td>Applicant No.4</td><td>Rs. 30,000/-</td></tr></table>	Applicant No.1	Rs. 1,05,000/-	Applicant No.2	Rs. 1,00,000/-	Applicant No.3	Rs. 30,000/-	Applicant No.4	Rs. 30,000/-	
Applicant No.1	Rs. 1,05,000/-										
Applicant No.2	Rs. 1,00,000/-										
Applicant No.3	Rs. 30,000/-										
Applicant No.4	Rs. 30,000/-										
			Contd.,								

SL. NO.	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
	30.10.2025	6. That on such deposit being made by the respondent Nos.1 and 2, the first, third and fourth appellants be and hereby are permitted to withdraw their share amounts as indicated herein above. 7. That the amount of compensation awarded to appellant No.2 who being a minor be and is hereby shall kept in a fixed deposit of any nationalised bank till she attains majority and that after her attaining majority, she is permitted to withdraw her share amount according to her need and necessity, by filing application before the Tribunal. 8. That the appellants/claimants be and hereby are directed to pay deficit court fee on the amount awarded exceeding the claim amount within thirty days from the date of receipt of copy of this Judgment. 9. That the Advocate fee be and here by is fixed at Rs. 2,500/-. 10. That the appellants be and hereby are entitled to costs of Rs.113/- to be paid by the respondents herein.” Further, since interest payable has been inadvertently omitted, this review petition was filed.	Contd.,

SL. NO.	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
	30.10.2025	The learned counsel for petitioners submitted that while increasing the amount of compensation, this Court had not set aside the interest awarded by the Tribunal and moreover the insurance company / respondent No.2 had deposited before the Tribunal the enhanced amount of compensation along with the interest as awarded by the Tribunal and therefore, it is only an error in the decree and judgment in appeal in omitting to expressly state the interest payable and the same needs to be corrected by review of the decree and judgment passed in the appeal. Though notice was sent to the respondent No.1, it was returned un-served and the same has been filed along with the memo dated 25.09.2025. Already appeal against this respondent was dismissed. The learned counsel representing the respondent No.2 reported no counter. Respondent No.3 is not necessary party and moreover, no decree was passed against the respondent No.3. Under the above circumstances stated, this Court is of the view that it is a fit case to allow the petition. Accordingly, the petition is allowed by adding the following words to the decree and	Contd.,

SL. NO.	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
		order dated 29.11.2018 in M.A.C.M.A.No.1072 of 2008 : (i) at the end of point No.3 “ with interest at the same rate as granted by the Tribunal” and (ii) at the end of point No.6 “together with the interest accrued thereon.” <u>B.S.BHANUMATHI,J</u> GRL	