

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

CIVIL REVISION PETITION No.1305 of 2015

10.04.2015

Between:

National Insurance Co. Ltd., Vijayawada

...Petitioner

And

Smt.Palakollu Naga Divya and others

...Respondents

Counsel for the petitioner: Mr.V.Venkatarami Reddy

Counsel for respondents: --

The Court made the following:

-
-
-

ORDER:

This civil revision petition arises out of the order, dated 06.01.2015 in I.A.No.3613 of 2014 in M.V.O.P.No.722 of 2012 on the file of learned Motor Accidents Claims Tribunal-cum-Special Sessions Judge for trial of cases under SCs & STs (POA) Act, 1989-cum-VII Additional District and Sessions Judge, Ranga Reddy District at L.B.Nagar.

Respondent Nos.1 and 2 and one Palakollu Hara Prasad filed the aforesaid M.V.O.P. under Section 166 of the Motor Vehicles Act, 1989 and Rule 475/1B of the Andhra Pradesh Motor Vehicles Rules, 1989 read Sections 163-A and 140(C) of the said Act seeking compensation for the death of one Palakollu Praveen Kumar (hereinafter referred to as 'the deceased'), who is no other than the husband of respondent No.1 and the son of respondent No.2 and said Hara Prasad. It is their pleaded case that the deceased was married to respondent No.1 on 10.06.2011 at

Sri Satyasai Kalyana Mandapam, Duggirala, Guntur District, that on 12.06.2011, respondent No.1 along with the deceased and others were travelling in Innova car bearing No. AP 16B 4555 from Vijayawada to Hyderabad and that when the car reached near IMA Function Hall at Suryapet, one lorry bearing registered No.AP 16TY 5275 came in opposite direction in a rash and negligent manner and dashed the car in a high speed, due to which the deceased sustained grievous head and chest injuries all over the body and he succumbed to the injuries while undergoing treatment at NIMS Hospital, Hyderabad. During the course of evidence, respondent Nos.1 and 2 filed the aforesaid I.A. under Order VI Rule 17 read with Section 151

C.P.C. for permitting them to amend the M.V.O.P. by correcting the registration number of the vehicle as 'AP 16BB 4555' in place of 'AP 16B 4555'. In the affidavit filed in support of the said application, it is averred that by oversight, the vehicle number was wrongly mentioned as 'AP 16B 4555' instead of 'AP 16BB 4555'. In the counter-affidavit filed on behalf of the petitioner, it is *inter alia* stated that the entire evidence recorded by the Tribunal referred to the registration number of the vehicle involved in the accident as AP 16B 4555, which was shown to be a two wheeler and that the respondents cannot be permitted to change their version by substituting the registration number which pertains to Innova car. The Tribunal, by the order under revision, allowed the aforesaid I.A.

A perusal of the order of the Tribunal shows that the petitioner has not disputed the fact that the vehicle involved in the accident was Innova car and not a two wheeler. While the registration number of Innova car is AP 16BB 4555, the vehicle with registration No.AP 16B 4555 was a Bajaj Chetak two wheeler.

The issue whether the vehicle in which the deceased and his family members were travelling was Innova car or two wheeler requires to be adjudicated in the M.V.O.P. itself. By merely allowing the amendment, the Tribunal cannot be understood it to have accepted the version of the claimants that the vehicle involved was Innova car. Considering the fact that all through the claimants have been claiming that the vehicle involved in the accident is Innova car, the Tribunal is justified in allowing the amendment to give an opportunity to the claimants to prove that what was involved in the accident was Innova car bearing No.AP 16BB 4555. In this view of the matter, I do not find any reason to interfere with the order of the Tribunal.

The Civil Revision Petition is accordingly dismissed.

As a sequel to dismissal of the Civil Revision Petition,
C.R.P.M.P.No.1776 of 2015 filed by the petitioner for stay shall stand
dismissed as infructuous.

(C.V.NAGARJUNA REDDY, J)

10th April, 2015
GHN