

HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.3509 of 2008

ORDER:

This civil revision petition is filed by the petitioners challenging the order dated 16.8.2007 passed in I.A.No.954 of 2007 in M.V.O.P.No.151 of 2005 on the file of District Judge, Ongole, wherein and whereby the petition filed by the petitioners under Order VII Rule 14 of CPC was dismissed.

2. The petitioners filed the O.P. under Section 166 of Motor Vehicles Act claiming compensation of Rs.9,66,000/- for the death of Syed Jynulladdin Ahamad, who is husband of petitioner No.1 and father of petitioner Nos.2 and 3, in a motor vehicle accident that occurred on 03.6.2002 at about 1.30 P.M., at Deharadun. Pending the O.P., the petitioners filed I.A. No.954 of 2007 to receive certain documents as additional evidence. After hearing the learned counsel for both parties, the trial court dismissed the I.A. on 16.8.2007. Feeling aggrieved by the dismissal of the I.A., the claimants preferred the present C.R.P.

3. This Court dismissed the C.R.P. for non-prosecution. The petitioners carried the matter to the Hon'ble Supreme Court vide Civil Appeal No.9376 of 2014 {Special Leave Petition (Civil) No.33450 of 2013}. The Hon'ble Supreme Court allowed the Special Leave Petition directing this court to dispose of the C.R.P. on merits.

4. A perusal of the record reveals that the petitioners herein filed the I.A. No.954 of 2007 to receive certain documents to substantiate their stand in the O.P. The Tribunal dismissed the I.A. on the sole ground that the petitioners filed the same at belated stage. The very purpose of the Motor Vehicles Act is to provide immediate financial assistance to the victims of the road accidents or legal representatives of the deceased. Merely delay in filing the I.A. to receive documents by itself is not a ground to dismiss the same. If the I.A. is dismissed, it may not be possible for the petitioners to ventilate their grievances. It is needless to say that mere allowing of the I.A., would not amount to accepting the contents of the documents. Even if the petition is allowed, the same may not affect the rights of the respondents. The approach of the court shall be pragmatic and not pedantic while disposing of this

type of petitions. The petitioners have made out valid grounds to allow the revision petition.

5. In the result, the civil revision petition is allowed, setting aside the order dated 16.8.2007 passed in I.A.No.954 of 2007 in M.V.O.P.No.151 of 2005 on the file of District Judge, Ongole. Consequently, I.A. No.954 of 2007 is allowed. Since the M.V.O.P. is of the year 2005, the Motor Accidents Claims Tribunal-cum-District Judge, Ongole is hereby directed to dispose of the O.P. as expeditiously as possible. Miscellaneous petitions, if any, pending in this petition, shall stand closed.

T.SUNIL CHOWDARY, J

Date: 19.6.2015.

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