

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1108 of 2006

DATED 21st JULY, 2016

BETWEEN

K.Babu Reddy

...Petitioner

And

The Regional Manager, APSRTC,
Tirupathi, Chittoor District and anr

....Respondents.

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 1108 of 2006

ORDER:

This Writ Petition is filed questioning the proceedings of the first respondent dated 27.12.2005 demanding the petitioner to reimburse the amount paid to the accident victim pursuant to the Award dated 02.11.2005 passed in MVOP.No.169 of 2001 by the learned VIII Additional District Judge (FTC)-cum-Chairman, Motor Accident Claims Tribunal, Chittoor.

MVOP.No.169 of 2001 was filed by one S.V. Balaji, S/o Venkateswarlu claiming compensation of Rs.2,00,000/- on account of the injuries sustained in a motor vehicle accident, wherein the petitioner, first respondent-APSRTC and Second respondent-Insurance Company herein were arrayed as first second and third respondents respectively. The said MVOP was allowed by directing the first respondent-APSRTC to pay a sum

of Rs.29,000/- with interest at 9% per annum from the date of petition till realization. In the said Award, the Tribunal held that the petitioner herein is not liable to pay any compensation. However, in terms of the agreement entered into between the petitioner and the first respondent-APSRTC, the first respondent-APSRTC sought the petitioner to reimburse the said amount which was liable to be paid to the claimant in MVOP.No.169 of 2001.

It is the principal contention of the petitioner that on account of dismissal of the claim made against the petitioner by the Tribunal in MVOP.No.169 of 2001, the petitioner is not liable to pay any amount as sought for by the first respondent-APSRTC in the impugned proceedings.

When the matter is taken up for hearing, the learned Counsel appearing on either side submits that as against the Award of the Tribunal dated 02.11.2005 made in MVOP.No.169 of 2001, the claimant therein filed an appeal in MACMA.No.1347 of 2009 before this Court and the same is pending adjudication. Similarly, the first respondent-APSRTC also filed an appeal in MACMA.SR.No.52113 of 2006. In the light of the same, the learned Counsel for the petitioner fairly submits that in the similar and identical circumstances, this Court passed orders dismissing Writ Petition No.20756 of 2005 in view of the pendency of the appeals on judicial side preferred by the claimant as well as respondent-APSRTC. In the circumstances, it is left open to the parties to canvass all the grounds in the pending appeals as admittedly the petitioner is a party in those appeals.

In the light of the same, giving liberty to the parties to canvas all the grounds in the pending appeals as is raised in the case on hand, the Writ Petition is closed.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE CHALLA KODANDA RAM

DATED 21st JULY, 2016.
Msnr_x