

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

M.A.C.M.A.No.888 of 2005

JUDGMENT:

Aggrieved of the order dated 05.08.2003 of the learned Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, Kurnool at Nandyal passed in MVOP.No.32 of 2003, the unsuccessful claimants preferred this appeal.

By the common order dated 05.08.2003 the Tribunal dismissed MVOP.Nos.30 and 32 of 2003 following the decision of the Supreme Court in New India Assurance Company Ltd., v. Asha Rani [(2003) 2 SCC 223].

At the hearing, the learned counsel for the appellants and the learned Standing Counsel appearing for the 2nd respondent/ Insurance Company brought to the notice of this Court the judgment dated 29.04.2009 in MACMA.No.1724 of 2009 arising out of MVOP.No.30 of 2003 and requested/ conceded to pass a similar judgment in this appeal as was passed in MACMA.No.1724 of 2009. A copy of the judgment dated 29.04.2009 passed by this Court in MACMA.No.1724 of 2009 is placed on record. A perusal of the said judgment shows that the said CMA is partly allowed as indicated therein and the matter is remitted to the Tribunal for fresh adjudication on the question of quantum of compensation payable to the claimants/ appellants therein. It was further observed in the said judgment that it shall be open to the appellants to lead fresh evidence if so advised.

Accordingly, in terms of the afore-stated judgment and for reasons alike as were mentioned therein, this appeal is allowed in part and the order impugned is set aside and the matter stands remitted to the Motor Accidents Claims Tribunal-cum-III Additional District Judge, Kurnool for fresh adjudication on the question of compensation payable to the claimants/ appellants herein.

It shall be open to the appellants to lead fresh evidence if so advised. Considering the fact that the matter is a sufficiently old matter, the Tribunal shall make an endeavour to dispose of the OP as directed in this judgment as expeditiously as possible and in any event not later than three months from the date of receipt of a copy of this judgment.

No order as to costs.

Miscellaneous petitions pending, if any, in this appeal shall stand closed.

JUSTICE M. SEETHARAMA MURTI

18.08.2016
VJI

