

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL REVISION PETITION No.977 of 2016

ORDER :

This Civil Revision Petition is filed questioning the order and decree dated 05.02.2016 in I.A.No.4 of 2016 in O.P.No.16 of 2014 passed by the VII Additional District Judge, Bodhan, Nizamabad District (for brevity "the Tribunal).

2. Respondent Nos.1 to 3 herein, who are the petitioners in O.P.No.16 of 2014, filed the application in I.A.No.4 of 2016 under Order VII Rule 14(2) of C.P.C., to receive the written statement of respondent No.2 in O.P.No.446 of 2003. The said application was resisted by the petitioner herein, who is respondent No.2 in O.P.No.16 of 2014, by filing counter. The Tribunal, having heard both sides, at the stage of arguments, allowed the application by order dated 05.02.2016, as to who the owner of the accident vehicle, was in question as on the date of taking place of the accident.

3. Sri P. Chandrasekhar Reddy, learned counsel for the petitioner, submits that earlier, the very same claim petitioners filed O.P.No.446 of 2003, but the same was dismissed for default and without taking steps for setting aside the order of dismissal for default made in O.P.No.446 of 2003, the claim petitioners have instituted the instant claim petition in O.P.No.16 of 2014. He would further submit that I.A.No.4 of 2016, which was filed to receive the written statement of respondent No.2 in O.P.No.446 of 2003, ought not to have been allowed, at the stage of arguments, and hence sought to set aside the impugned order dated 05.02.2016.

4. The question raised by the learned counsel for the petitioner

can be gone into by the Tribunal at the time of arguments in the main O.P.No.16 of 2014. The fact that the written statement was filed by the 2nd respondent earlier in O.P.No.446 of 2003 is not in dispute. The instant claim petition in O.P.No.16 of 2014 is filed seeking compensation under the Motor Vehicles Act, which is a beneficial legislation. Therefore, the present Civil Revision Petition is liable to be dismissed.

5. Accordingly, the Civil Revision Petition is dismissed, at the stage of admission. No order as to costs.

6. As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE A. SHANKAR NARAYANA

17.06.2016.

Msr

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