

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CIVIL REVISION PETITION No.520 of 2016

ORDER:

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This revision is preferred against the order passed on 19.10.2015 in I.A.No.1662 of 2015 moved by the petitioner herein in M.V.O.P.No.577 of 2012, seeking a direction to stop all further proceedings in M.V.O.P until the outcome of the case in Crime No.310 of 2012 on the file of Dundigal Police Station, is known.

It appears an accident has taken place on 08.06.2012. At that stage only the car number and red colour Alto Car is the description that is provided. Police after the investigation filed a charge sheet on 30.03.2015.

According to the learned counsel for the petitioner, this belated filing of the charge sheet is a clear attempt to implicate the petitioner with the crime. If in the meantime M.V.O.P. is decided, even if the petitioner herein succeeds in the criminal case establishing that he is not the one, who is responsible to have caused the accident in question, no meaningful purpose could be achieved. Hence, it is only appropriate that the further proceedings in the M.V.O.P. are stayed till the criminal case is decided one way or the other. On the other hand, learned counsel for the respondents – claimants in the O.P. would submit that by delaying the decision in the M.V.O.P., the petitioner can successfully stall the claimants in the O.P. from securing the necessary monetary relief.

In these set of circumstances, I consider that the balance of convenience would lie in not stopping the further proceedings in the M.V.O.P. On the other hand, the judgment, if any, rendered by the criminal court can be examined even at any later point of time by taking recourse to law. Hence, ends of justice can be better served by preserving liberty to the petitioner herein to bring it to the notice of the

Tribunal, which is hearing the M.V.O.P. or even the appellate Court should there be any appeal against any such judgment. Therefore, the stay granted earlier stands vacated and if the petitioner files any memo before the Motor Accidents Claims Tribunal, the same may be taken on record and acted thereon in accordance with law.

With this, the civil revision petition stands disposed of with liberty as indicated supra. No costs.

The miscellaneous petitions, if any pending in the revision, shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

01.04.2016
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