

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION No.4632 OF 2016

ORDER:

1 This Civil Revision Petition, under Section 115 of CPC, is filed assailing the order dated 30.08.2016 passed in I.A.No.954 of 2016 in MVOP No.1062 of 2005 on the file of the Court of the Principal Sessions Judge, Khammam.

2 Heard the learned counsel for the petitioner.

3 A perusal of the record reveals that the petitioner filed MVOP No.1062 of 2005 on the file of the Court of the Principal Sessions Judge, Khammam under Section 166 of Motor Vehicles Act, claiming compensation for the injuries sustained by her in a motor vehicles accident that occurred on 15.06.2005. The Tribunal allowed the said petition on 11.12.2006 by granting compensation of Rs.46,000/-. The petitioner filed I.A.No.954 of 2016 to declare her as major. However, the trial Court dismissed the said petition. Hence the present revision.

4 As per the school records, the petitioner was born on 10.06.1998. As per the recitals of the Adhar Card, the petitioner was born in the year 1997. As per the school record as on the date of filing of the petition the petitioner has become major. The trial Court dismissed the petition on the ground that there is a discrepancy between the school record and the Adhar card. A perusal of the record reveals that the petitioner has filed the petition after she became major. Possibility of mistake in Adhar card cannot be ruled out. When there is a conflict between the school record and the Adhar card, the Court has to place reliance on the school record only.

While deciding the petitions of this nature, the approach of the Court shall be pragmatic but not pedantic.

5 Having regard to the facts and circumstances of the case, I am of the considered view that the petitioner became major as on 11.06.2016. Hence the order of the Court below is liable to be set aside.

6 In the result, the Civil Revision Petition is allowed, the order dated 30.08.2016 passed in I.A.No.954 of 2016 in MVOP No.1062 of 2005 on the file of the Court of the Principal Sessions Judge, Khammam is hereby set aside and consequently the I.A. stands allowed, declaring the petitioner as major. No order as to costs. As a sequel, the miscellaneous petitions, pending in this Civil Revision Petition, if any, shall stand closed.

Date: 28th October, 2016
Kysn

T. SUNIL CHOWDARY, J