

THE HON'BLE SRI JUSTICE S. RAVI KUMAR

C.R.P. Nos. 1202 of 2012 and 1279 of 2016

COMMON ORDER:

These two Revisions are preferred against common order dt.09.01.2012 in I.A.No.64 of 2012 and I.A.No.65 of 2012 in MVOP.No.264 of 2010 on the file of the Motor Accidents Claims Tribunal-cum-District Court, East Godavari District at Rajahmundry (for short 'the Tribunal').

2. These two petitions are filed by the claimant in the above referred O.P., one to receive documents by condoning delay and the other to recall him for the purpose of marking those documents.

3. The contesting respondent in the O.P. reported no counter for the reliefs claimed in the two petitions.

4. The Tribunal dismissed the said applications purely on technical ground that Order VII Rule 14(3) CPC is incorporated in CPC to minimize the delay in disposal of the cases and filing this type of applications would amount to protract the proceedings.

5. Heard both sides.

6. Admittedly, main case before the Tribunal is claiming compensation for the injuries sustained by the revision petitioner in a motor accident. It is also not in dispute that the legislation under the Motor Vehicles Act is a beneficial legislation and the Courts have to show a liberal approach in dealing with such cases.

7. The revision petitioner sought to file (1) disability certificate issued by the District Medical Board, Kakinada, (2) appointment letter of Scott Willsion India (P) Ltd., (under NHAI), (3) approved letter issued by NHAI, (4) confirmation letter of Scott Willsion (P) Ltd under NHAI, (5) salary slips issued by Scott Willsion (p) Ltd under NHAI showing

that he is drawing a salary of Rs.22,000/- per month, and (6) service certificate from Nov., 2006 to 2010 issued by Scott Willsion under NHAI.

8. It is not in dispute that, to decide the quantum of compensation, earnings of the victim is a relevant factor. Petitioner has explained the reasons for not filing these documents along with the O.P. and that explanation was not disputed by the opposite parties. The Tribunal instead of allowing the claimant to produce those documents in evidence dismissed the applications merely on hyper technicalities. Claim petition filed by the revision petitioner remained as pending, because of the stay granted by this Court, in these revisions.

9. Considering these aspects, I feel that the Tribunal has grossly erred in dismissing both the applications and failed to exercise the judicial discretion vested in it.

10. For these reasons, the impugned order dt.09.01.2012 in I.A.No.64 of 2012 and I.A.No.65 of 2012 is set aside. Consequently, I.A.No.64 of 2012 and I.A.No.65 of 2012 are allowed. As it is an old matter, the Tribunal is directed to dispose of the OP.No.264 of 2010 within a period of two (02) months from the date of receipt of a copy of this order.

11. Accordingly, both the Civil Revision Petitions are allowed. No costs.

12. As a sequel, miscellaneous petitions, if any, shall stand dismissed.

S. RAVI KUMAR, J

22nd July, 2016.

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