THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.NO.2580 OF 2016

J U D G M E N T

(*Per Hon'ble Sri Justice Sanjay Kumar*)

This appeal under Section 173 of the Motor Vehicles Act, 1988, arises out of the order dated 16.05.2016 passed by the learned I Additional District Judge-cum-Chairman, Motor Accidents Claims Tribunal, Ongole, in M.V.O.P.No.65 of 2014. The said O.P. was filed by the first respondent herein claiming compensation of Rs.35,00,000/- for the injuries suffered by him in a road accident which took place on 31.10.2011 at about 8.30 PM at Sonia Gandhi Nagar, 6th Lane, Ongole. According to him, the accident occurred due to the rash and negligent driving of the driver of the auto bearing No.AP 27 Y 0741. By the order under appeal, the Court below awarded compensation of Rs.41,33,907.70 paise along with costs against the appellant and the fourth respondent herein. Aggrieved thereby, the appellant-Insurance Company preferred this appeal.

By order dated 16.09.2016, this Court observed that the impugned order, *prima facie*, appeared to be wholly unreasonable and unsustainable as the Court below did not even discuss the nature of the disability and its effect on the future prospects of the first respondent and opined that the order was thoroughly unsatisfactory. This Court therefore granted interim stay of all further proceedings pursuant to the order under appeal subject to the appellant depositing a sum of Rs.4,00,000/- to the credit of the O.P.

The first respondent filed MACMAMP No.3599 of 2017 to vacate the aforestated order.

Heard Sri A.Ramakrishna Reddy, learned counsel for the appellant-Insurance Company, and Sri K.Ananda Rao, learned counsel for the first respondent.

Perusal of the order under appeal demonstrates that the opinion expressed by this Court at the time of admission of this

appeal and grant of stay was well founded. The Court below did not discuss the merits of the matter or record proper reasons as to how it applied the appropriate multiplier and arrived at the conclusion that the first respondent herein was entitled to compensation of over Rs.40,00,000/-

Sri K.Ananda Rao, learned counsel, fairly concedes that the order is lacking in this regard.

That being so, we allow the appeal and set aside the order dated 16.05.2016 passed by the learned I Additional District Judge-cum-Chairman, Motor Accidents Claims Tribunal, Ongole, in M.V.O.P.No.65 of 2014. The matter is remitted to the Court below for consideration afresh on merits and in accordance with law. The Court below shall take note of the observations made herein above as to the aspects found unsatisfactory in the order which is being set aside and ensure that the same are not repeated. The amount deposited to the credit of the O.P. shall abide by the final result of the O.P.

As this is the second round of litigation, the Court below shall endeavour to dispose of the matter expeditiously and preferably, within three months from the date of receipt of a copy of this order.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

T.AMARNATH GOUD, J

22ND SEPTEMBER, 2017

PGS