

THE HON' BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M. A. C. M. A No. 3649 of 2005

JUDGMENT :

This appeal is filed by the United India Insurance Company Limited against the order dated 08.03.2004 passed in O.P.No.959 of 2001 by the Motor Vehicles Accidents Claims Tribunal-cum-V Additional Chief Judge, City Civil Court (for short, 'the Tribunal'), awarding compensation of Rs.1,59,346/- to the petitioner-claimant on account of the injuries suffered by him in a motor vehicle accident that occurred on 09.08.2000.

2. Brief facts of the case are that on the night of 09.08.2000, at about 10.50 PM, while the petitioner was going on his motorcycle from Jubilee Hills to Bean on Road No.2, Jubilee Hills, a car bearing No.AP13B 9027 driven by the driver of respondent No.1 in a rash and negligent manner, came in opposite direction and dashed the motorcycle of the petitioner. As a result, the petitioner fell down and sustained bleeding injuries to his right leg and was shifted to Apollo Hospital. A case was registered against the driver of the crime vehicle. Alleging that the accident occurred due to the rash and negligent driving by the driver of car bearing No.AP13B 9027, the petitioner filed the claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), claiming compensation of Rs.4,00,000/- against respondents 1 and 2, the owner and insurer of the crime vehicle.

3. The Tribunal on consideration of the evidence of witnesses PWs.1 to 3, and RW1, and the documents Exs.A1 to A8, and Exs.B1 and B2, partly allowed the petition by awarding compensation of Rs.1,59,346/- with interest at 9% per annum holding respondents 1 and 2 jointly and severally liable to pay the compensation.

Challenging the same, the United India Insurance Company Limited filed this appeal.

4. Learned counsel for the appellant-insurance company is not present, and there is no representation on its behalf.

5. Sri Vijay Kumar, learned counsel, representing Sri A. Jagan, learned counsel for the petitioner-claimant, submitted that the claimant has preferred M. A. C. M. A. No. 2336 of 2004 before this Court against the same award passed in O.P.No.959 of 2001. The said appeal was allowed in part by enhancing the compensation by Rs.38,000/-. Referring to paragraph 11 of the judgment passed in M. A. C. M. A. No. 2336 of 2004, the learned counsel for the petitioner-claimant submitted that the insurance company has also advanced arguments in the said appeal and, therefore, the appellant-insurance company had knowledge about the disposal of M. A. C. M. A. No. 2336 of 2004. It is further submitted that due to pendency of the present appeal i.e., M. A. C. M. A. No. 3649 of 2005, the enhanced amount of Rs.38,000/- has not been deposited by the insurance company and therefore sought for dismissal of the appeal.

6. On consideration of the facts and circumstances of the case, since the appeal M. A. C. M. A. No. 2336 of 2004 preferred by the claimant in respect of the same award for enhancement of compensation was partly allowed by this Court after hearing the arguments of both the claimant and the insurance company in the said appeal, I do not see any purpose would be served if the present appeal is kept pending.

7. **IN THE RESULT**, the appeal is dismissed. No costs. Pending miscellaneous petitions, if any, shall stand closed.

GUDISEVA SHYAM PRASAD, J

07th July, 2017
KSM



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