

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

CIVIL MISCELLANEOUS APPEAL No.3434 of 2003

JUDGMENT:

This appeal is filed by the petitioner in O.P.No.1098 of 1998 challenging the order, dated 13.06.2003, passed by the learned Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Ranga Reddy District, in the said O.P..

It is the case of the appellant/petitioner that on 02.09.1998, at 8.30 a.m., when he along with his friends was proceeding on a Scooter bearing No.AP9 7032 from Uppariguda lake to Kuppa Pahad and when they reached near Ibrahimpatan, the driver of the bus bearing No.AP10 Z 1259, belonging to the respondent Corporation, dashed the appellant's scooter, due to which, the appellant and others fell down and sustained injuries. Therefore, claiming compensation with respect to the injuries sustained by him, the appellant instituted aforesaid O.P. before the Tribunal. After due trial, the Tribunal passed the order impugned awarding a sum of Rs.90,000/- to the appellant towards compensation with future interest @ 9% per annum. Against the said order, the present appeal is filed.

When the matter is taken up for hearing, it is brought to the notice of this Court by the learned Standing Counsel for the respondent Corporation that as a matter of fact, the respondent Corporation had also filed appeal, being CMA.No.2083 of 2004, before this Court challenging the order impugned. By judgment, dated 04.10.2012, this Court dismissed the said CMA while confirming the order impugned.

In CMA.No.2083 of 2004, learned counsel should have brought to the notice of this Court as to the present appeal so as to enable it to decide both the appeals together. But, it has not been done.

I have perused the record.

It may be noted that vide judgment, dated 04.10.2012, in CMA.No.2083 of 2004, this Court confirmed the order impugned. The learned Standing Counsel for the respondent Corporation submits that as on date, there is no intimation of any appeal having been preferred by the appellant challenging the judgment, dated 04.10.2012. In these circumstances, inasmuch as CMA.No.2083 of 2004 preferred by the respondent Corporation was dismissed by this Court by affirming the order impugned, the present appeal is also liable to be dismissed.

Accordingly, this appeal is dismissed.

Miscellaneous Petitions, if any pending shall stand dismissed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

7th DECEMBER, 2017.

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