

THE HON'BLE SRI JUSTICE T. SUNIL CHOWDARY

CIVIL REVISION PETITION Nos.677 and 678 OF 2014

COMMON ORDER:

C.R.P. Nos.677 and 678 of 2014 arise out of common order dated 20.11.2013 in I.A. Nos.185 and 186 of 2013 respectively in O.P. No.22 of 2006 on the file of the Motor Accident Claims Tribunal-cum-II Additional District Court, Ranga Reddy District at L.B. Nagar.

2. Since these two CRPs arose out of one O.P. and the parties are one and the same, this court is inclined to dispose of these two CRPs by common order, in order to avoid confusion.

3. A perusal of the record reveals that one Musukula Buchi Reddy filed O.P. No.22 of 2006 under Section 166 of Motor Vehicles Act, against the respondent-APSRTC claiming compensation of Rs.2,50,000/- for the injuries sustained by him in a motor vehicle accident that occurred on 07.9.2004. After fullfledged trial, the Tribunal allowed the O.P. on 11.6.2009 awarding compensation of Rs.1,15,685/- in favour of Buchi Reddy. The said Buchi Reddy died on 06.11.2010. The petitioners herein, who are wife, daughter and sons of Buchi Reddy, filed I.A. No.185 of 2013 under Section 5 of Limitation Act to condone the delay of 700 days in filing the L.R. petition. The petitioners have also filed I.A. No.186 of 2013 under Order XXII Rule 3 of CPC to implead

them in O.P. No.22 of 2006 as L.Rs of Buchi Reddy. The Tribunal dismissed both the I.As on the sole ground that the petitioners have not filed any document to prove that they are the legal representatives of Buchi Reddy.

4. At the time of the arguments, the learned counsel for the petitioners submitted that by mistake, learned counsel appearing on behalf of the petitioners before the Tribunal has not filed legal heir certificate or any document in proof of their relationship with the deceased-Musukula Buchi Reddy in the I.As. Learned standing counsel for the respondent submitted that the respondent-APSRTC deposited the compensation amount to the credit of O.P. No.22 of 2006.

5. It is the duty of the petitioner in L.R. petition, to prove that he/she is legal representative of the deceased by filing any document. For one reason or the other, the petitioners have not filed any document along with I.As in support of their contention that they are the legal representatives of Musukula Buchi Reddy. While deciding the petitions of this nature, the approach of the Tribunal shall be pragmatic and not pedantic. If these petitions are dismissed, it may not be possible for the petitioners to establish that they are the legal representatives of Buchi Reddy.

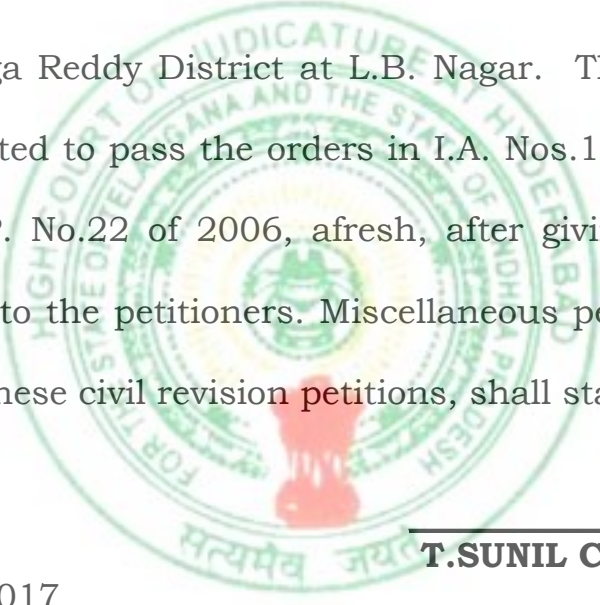
6. Having regard to the facts and circumstances of the case, I am of the considered view that it is a fit case to set

aside the orders in I.As., and remand the matter to the Tribunal so as to give an opportunity to the petitioners to establish that they are the legal representatives of Musukula Buchi Reddy.

7. In the result, CRP Nos.677 and 678 of 2014 are allowed setting aside the common order dated 20.11.2013 in I.A. Nos.185 and 186 of 2013. Consequently, I.A. Nos.185 and 186 of 2013 in O.P. No.22 of 2006 are restored to the file of the Motor Accident Claims Tribunal-cum-II Additional District Judge, Ranga Reddy District at L.B. Nagar. The Tribunal is hereby directed to pass the orders in I.A. Nos.185 and 186 of 2013 in O.P. No.22 of 2006, afresh, after giving reasonable opportunity to the petitioners. Miscellaneous petitions, if any pending in these civil revision petitions, shall stand closed.

Date: 02.3.2017

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T.SUNIL CHOWDARY, J