

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Miscellaneous Appeal No.1268 of 2004

And

Civil Miscellaneous Appeal No.1280 of 2004

COMMON JUDGMENT:

Heard Sri Kuriti Bhaskara Rao, learned counsel for the appellant/owner/respondent No.1 in M.V.O.P. No.912 of 1999 on the file of the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge, Guntur (for short, 'the Tribunal') and Sri N. Subba Rao, learned counsel for the appellant / petitioner/ claimant in the said M.V.O.P. and Sri A.V.K.S. Prasad, learned Standing Counsel for the Insurance Company.

2. Sri N. Subba Rao, learned counsel for the appellant, would submit that the very same Court in M.V.O.P. No.692 of 1999, in a claim arising out of the very same accident, while awarding compensation mulcted liability on the Insurance Company also, but, in the present M.V.O.P. No.912 of 1999 exonerated the Insurance Company though, the Presiding Officer is one and the same.

3. The learned counsel further submitted that against the order and decree passed in M.V.O.P. No.692 of 1999 the Insurer has not preferred any appeal. What is stated by the learned counsel is true since it is not disputed by the learned counsel for other parties. Hence, it is a fit case where the matter is to be remitted to the Tribunal for

deciding the controversy, keeping in view the order passed in M.V.O.P. No.692 of 1999.

4. Therefore, the present Civil Miscellaneous Appeals are allowed setting aside the order dated 30.10.2003 passed by the IV-Additional District Judge, Guntur, remanding M.V.O.P.No.912 of 1999 for disposal within six months from the date of receipt of a copy of the order by affording an opportunity to both sides to lead further evidence, if any, and dispose of the same in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in both these Civil Miscellaneous Appeals shall stand closed.

Dt. 23.10.2017
gbs

A. SHANKAR NARAYANA

