

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

M.A.C.M.A.No.867 of 2007 and 1144 of 2007

COMMON JUDGMENT:

M.A.C.M.A.No.867 of 2007 is filed by the claimant and M.A.C.M.A.No.1144 of 2007 is filed by the insurance company under Section 173 of Motor Vehicles Act challenging the judgment and award dated 26.10.2006 passed in M.V.O.P.No.119 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad.

2. Both the appeals are arising out of same judgment. At the time of arguments, learned counsel for the appellants in both the appeals, in all fairness, submitted that the trial Court has not given specific finding on each and every aspect. Both counsel in one voice submitted that the trial Court has not properly considered the disability certificate Ex.A4 and the oral testimony of P.W.7.

3. I have carefully perused the judgment and award. As rightly pointed out by both the counsel, the Tribunal awarded compensation on different heads, which are not permissible under law. The Tribunal awarded compensation under the head of injuries as well as prolonged treatment. In fact, both are one and the same.

4. Taking into consideration the facts and circumstances of the case and also the submissions made by both the counsel, I am of the considered view that these are the fit cases to remand the

matter to the Tribunal for fresh disposal to meet the ends of justice.

5. In the result, both the appeals are allowed setting aside the judgment and award dated 26.10.2006 in M.V.O.P.No.119 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal cum I Additional Chief Judge, City Civil Court, Secunderabad. The learned I Additional Chief Judge, City Civil Court, Secunderabad, is hereby directed to dispose of the M.V.O.P as expeditiously as possible basing on the material available on record, preferably, within a period of two months from the date of receipt of copy of this order keeping in mind the observations made by this Court. Both counsel assured that their counterpart will cooperate with the Tribunal for early disposal of the M.V.O.P. There shall be no order as to costs.

6. Consequently, Miscellaneous Petitions, if any, pending in these appeals shall stand closed.

T.SUNIL CHOWDARY, J

11th April 2018
Rns