

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1838 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-APSRTC, challenging the Order, dated 07.03.2005, passed in M.V.O.P.No.30 of 2003, by the Chairman, Motor Accidents Claims Tribunal-cum-VII Additional District Judge, Kakinada ('the Tribunal', for brevity).

2. Heard the learned counsel for both sides and perused the record.

3. The learned Standing Counsel for the appellant-APSRTC would contend that there is no clear finding of the Tribunal in the impugned order, as to why it apportioned 50% liability against the appellant-APSRTC (4th respondent before the Tribunal) and the remaining 50% on the respondents 1 to 3 before the Tribunal and ultimately prayed to set aside the Order under challenge.

4. A perusal of the impugned order makes it clear that the Tribunal did not give a clear finding with regard to the ownership of the appellant-APSRTC over the offending vehicle and reasons for apportionment of 50% liability against the appellant-APSRTC.

5. Accordingly, the appeal is allowed and the impugned order, dated 07.03.2005, passed in M.V.O.P.No.30 of 2003 by the Tribunal is set aside. The matter is remitted back to the Tribunal for disposal of the subject MVOP afresh, giving a clear finding as indicated above, after affording reasonable opportunity to both the parties to adduce evidence, if any. The Tribunal shall complete the said exercise as

expeditiously as possible, preferably within a period of six (06) months from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

17th July, 2018
Bvv

