

HON' BLE SRI JUSTICE SURESH KUMAR KAIT

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HON' BLE SRI JUSTICE P. KESHAHA RAO

M.A.C.M.A.No. 4308 of 2008

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This appeal is preferred by the appellants, who are legal heirs of one Bhupathi Ramanjaneyulu (deceased), against the order dated 29.07.2008 in M.V.O.P.No. 558 of 2005 passed by the Motor Accident Claims Tribunal-cum-Principal District Judge, Kadapa on the ground that even though the deceased died in the accident, the learned Tribunal has not awarded any compensation towards loss of earnings of the deceased.

The deceased met with an accident on 26.11.2004 and was admitted in Sri Venkateswara Institute of Medical Sciences, Tirupathi from 26.11.2004 to 10.12.2004. Thereafter, he underwent treatment from 10.12.2004 to 14.03.2005 at Apollo Hospitals, Chennai. Again he was admitted in Apollo Hospitals, Chennai on 04.04.2005 and took treatment till 05.10.2005. For a few days, he took treatment as out-patient in Chennai and again he was admitted in Apollo Hospitals on 01.11.2005 and discharged on 03.11.2005 and readmitted on 23.11.2005 and discharged on 27.12.2005. Lastly, he was admitted in Apollo Hospitals, Chennai on 16.05.2006 and discharged on 29.05.2006.

The case of the appellants is that Bhupathi Ramanjaneyulu died on 19.06.2006 due to the injuries sustained in the accident, however the learned Tribunal has not awarded any compensation towards loss of earnings.

It is pertinent to note that the appellants filed the petition before the Tribunal claiming compensation of Rs.50.00 lakhs (Rupees Fifty Lakhs Only) for the injuries sustained by the deceased in a motor accident that took place on 26.11.2004. After the death of the deceased, the appellants failed to amend the petition by seeking compensation towards loss of earnings and other benefits.

Since the appellants failed to file a petition before the Tribunal for the relief as sought by the appellants' counsel before this Court, we cannot grant compensation towards loss of earnings. However, in the interest of justice, liberty is granted to the appellants to file a fresh petition before the Tribunal claiming compensation for loss of earnings and other benefits. On such claim petition being filed, the Tribunal shall adjudicate the same as expeditiously as possible, preferably, not later than six months from the date of filing of such petition for the reason that the accident, which resulted in the death of the deceased, took place in the year 2004.

Subject to the above observations, the appeal is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending,
shall stand disposed of as infructuous.

25.01.2018

SURESH KUMAR KAIT, J

bcj

P. KESHA RAO, J

