

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3188 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellants-claimants aggrieved by the order dated 03.08.2004 in M.V.O.P.No.740 of 2002 on the file of the Motor Accident Claims Tribunal-cum-IV Additional District Judge, Kurnool (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned counsel for respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the Tribunal had not granted just and reasonable compensation and prayed to enhance the same.

4. Learned counsel for the respondent-Insurance Company opposed the grant of any relief in this appeal.

5. The Tribunal has given finding in para 10 of the impugned order, which reads as follows:

"In the result, MVOP is allowed with proportionate costs against the respondents 1 and 2. An award is passed for a sum of Rs.62,500/- (Sixty two thousand five hundred only) with interest at 9% per annum from the date of the petition till the date of deposit. On such deposit, each petitioner is entitled to receive the compensation amount equally. Advocate fee is fixed at Rs.500/-.

The petition is dismissed against the third respondent without costs."

6. The finding with regard to fastening the liability of respondent Nos.1 and 2 is not clear. The Tribunal ought to have recorded a clear finding with regard to fastening the liability

against respondent Nos.1 and 2. Hence, the impugned order dated 03.08.2004 passed in M.V.O.P.No.740 of 2002 is set aside and the matter is remanded to the Tribunal to dispose of the same afresh in accordance with law after affording opportunity to both sides.

7. Accordingly, the appeal is allowed by setting aside the impugned order and remanding the matter to the Tribunal.

Miscellaneous Petitions pending, if any, shall stand closed.

No costs.

Date: 24.07.2018
ssp

Dr. SHAMEEM AKTHER, J

