

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3338 of 2005

JUDGMENT:

Appellant-Insurance Company filed this appeal against the order dated 24.01.2005 passed in I.A.No.1129/2004 in O.P.No.87 of 2003 by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge at Mahabubnagar, whereby and whereunder the Tribunal directed the respondents to deposit a sum of Rs.50,000/- under no-fault liability under Section 140 of Motor Vehicles Act.

Today, when the matter is taken up for hearing, it is brought to the notice of this Court that O.P.No.87 of 2003 itself is being disposed of by the Tribunal vide award dated 12.06.2019 awarding compensation of Rs.4,00,000/-. In view of these changed circumstances, this Court feels that going into the merits of the case is of no use.

However, during the course of arguments, Mr.P.Harinatha Gupta, learned counsel appearing for the appellant-Insurance Company, submits that at time of filing of the appeal, half of the amount awarded by the Tribunal vide order dated 24.01.2005 has already been deposited and by order dated 06.10.2005, while granting stay the claimants were permitted to withdraw the same without furnishing any security. Now, it is the contention of the appellant's counsel that said deposit amount needs to be adjusted in the decretal amount granted by the Tribunal vide award dated 12.06.2019 and the Tribunal failed to consider the said issue while passing award dated 12.06.2019.

Having regard to the above submissions, this Court feels that it is appropriate to direct the Tribunal to adjust the amount deposited by the appellant-Insurance Company at the time of filing of the present appeal, in the amount ordered to be paid by the appellant-Insurance Company vide award dated 12.06.2019.

Subject to above observations, the appeal is disposed of.

Miscellaneous petitions pending in this appeal, if any, shall stand closed. No order as to costs.

18.09.2019
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T. AMARNATH GOUD, J

