

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 121 OF 2019

JUDGMENT:

This appeal is directed against the Award dated 22.11.2018 passed by the Motor Accidents Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad (for short 'the Tribunal'), in O.P.No.336 of 2013, whereby the Tribunal granted compensation of Rs.13,26,000/- with interest @ 7.5% per annum from the date of petition till the date of realization or deposit against claim of Rs.8,00,000/- finding that the accident occurred due to rash and negligent driving of the driver of the offending vehicle and respondents 1 and 2 are jointly and severally liable to pay the compensation.

2. For the sake of convenience, the parties herein are referred to as arrayed in the tribunal.

3. Aggrieved by the award of the tribunal, the insurance company preferred this appeal contending that the tribunal erred in fixing the liability ignoring the fact that the deceased was an unauthorized passenger in the offending vehicle and that the driver of the offending vehicle was not holding valid driving license and that 50% of the personal expenses granted by the tribunal are excessive as the deceased is bachelor and prayed to allow the appeal by setting aside the order passed by the tribunal.

4. Learned counsel for the appellant contended that the tribunal has not gone into the merits of the case and no finding is

given fastening the liability that the deceased is gratuitous passenger and that the driver is not holding valid non transport driving license.

5. Without going into the merits of the case, having regard to the facts and circumstances of the case, the appeal is allowed setting aside the Award dated 22.11.2018 passed by the Motor Accidents Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad, in O.P.No.336 of 2013 and remanded for fresh disposal on merits basing on the oral and documentary evidence available on record after giving opportunity to both sides. Since the accident pertains to the year 2012, the tribunal is directed to dispose of the matter as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order. The tribunal is at liberty to frame any other issue, if so required. There shall be no order as to costs.

Miscellaneous petitions if any, in this appeal shall stands dismissed.

T.AMARNATH GOUD, J

09.08.2019.
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