

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2280 of 2006

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 05-06-2006 passed in O.P.No.333 of 2005 by the Motor Accidents Claims Tribunal-cum- IV Additional District Judge (F.T.C.), Karimnagar.

2. Brief facts of the case are that the claimant filed the claim petition against the respondents claiming compensation of Rs.2.00 lakhs for the injuries sustained by him in the accident occurred on 05-08-2003 in a motor accident at Mangalpalli Bus Stop.

3. In the claim petition, the 2nd respondent-insurer filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the crime vehicle and accordingly granted compensation of Rs.13,000/- under various heads with interest @ 7.5% p.a., payable by both the respondents.

5. Aggrieved by the same, the appellant/claimant filed the present appeal.

6. Heard and perused the material available on record.

7. Learned Standing Counsel for the 2nd respondent-insurer contends that there is error apparent on the record of the lower Court that the name of the claimant is mentioned in the cause title as Mandala Ram Reddy, S/o.Venkat Reddy and whereas in the deposition recorded before the trial Court, his name is recorded as Venkateswarlu, S/o.Gopal Reddy, hence, it creates suspicion about impersonation. Therefore, the matter may be remanded back to the Tribunal for fresh consideration.

8. Learned counsel for the claimant also does not dispute the same

9. In view of same, for better appreciation of evidence and for rectification of discrepancies, this Court feels that the matter needs to be remanded.

10. Accordingly, the appeal is allowed setting aside the order of the Tribunal in O.P.No.333 of 2005 dt.05-06-2006. The matter is remanded back to the Tribunal for fresh consideration and for disposal of the same, after affording reasonable opportunity to both the parties to adduce their oral and documentary evidence. No costs.

11. As a sequel thereto, Miscellaneous Applications, if any, pending in this appeal shall stand disposed of.

JUSTICE T.AMARNATH GOUD

Date: 09-12-2019

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