

HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3746 of 2005

JUDGMENT:

This appeal is filed by the claimant under Section 173 of the Motor Vehicles Act aggrieved by the orders passed by the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Warangal (for short 'the Tribunal), in M.V.O.P.No.702 of 1999 dated 30.10.2002.

2. The Tribunal after framing the issues and examining the witnesses, dismissed the claim of the injured claimant against the claim of Rs.1,00,000/-.

3. Learned counsel for the appellant-injured claimant contended that the Tribunal ought to have considered the claim of the claimant as he suffered injuries in the accident and sought for awarding of compensation by allowing the appeal.

4. Learned counsel for the 2nd respondent-insurance company supported the award of the Tribunal and sought for dismissal of the appeal.

5. As seen from the additional material filed by the learned counsel for the appellant, it is observed that in the same accident along with the appellant herein one Goney Rama Rao who was also injured filed O.P.No.537 of 1999 and the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Warangal, by order dated 02.11.2001 awarded compensation of Rs.30,000/-, whereas the accident in respect of the present appellant was disbelieved by the Tribunal in MVOP.No.702 of 1999

dated 30.10.2002. Admittedly, there cannot be two contradictory judgments in respect of similar cause of action and the appellant also has suffered grievous fracture injury and one simple injury.

6. In view of the above, this Court feels it just to award a sum of Rs.30,000/- as compensation to the present appellant, as in the case of O.P.No.537 of 1999.

7. Accordingly and in the result, this Appeal is partly allowed by awarding compensation of Rs.30,000/- with rate of interest at 7.5% per annum from the date of petition till date of realization. No costs.

Miscellaneous petitions if any shall stand closed.

Date: 18.11.2019
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T.AMARNATH GOUD, J