

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 2775 OF 2019

JUDGMENT:

This appeal is directed against the order and decree dated 03.04.2019 passed in M.V.O.P.No.2841 of 2014 by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad (for short 'the Tribunal'), whereby the Tribunal granted compensation of Rs.9,20,500/- with interest @ 7.5% per annum from the date of petition till the date of realization, as against the claim of Rs.10,00,000/- on account of the death of P.Gnana Nadham @ Gnanaiah.

2. Learned standing counsel for the insurance company contended that the driver of the crime vehicle did not possess any sort of driving license at the time of accident and police also filed charge sheet under Section 181 of the M.V. Act that he does not hold driving license and that the tribunal erred in fastening the liability on the insurance company solely on the ground that it has not adduced any evidence and that Ex.B.4-policy clearly stipulated that the insurance company is liable to indemnify the insured, if it is driven by a person holding effective driving license at the time of accident and is not disqualified from holding or obtaining such license and such person satisfies the requirement of Rule 3 of the Central Motor Vehicle Rules, 1989 and hence, prayed to dismiss the

claim petition or remand the matter to the tribunal for fresh disposal.

3. Learned counsel for the respondents/claimants contended that for better appreciation remand the matter to the tribunal.

4. Having regard to the facts and circumstances of the case, without going into the merits of the case and on submissions of the learned counsel, to obtain report from the concerned RTA whether the driver of the crime vehicle was having valid driving license or not as on the date of accident.

5. Accordingly, this appeal is allowed setting aside the order and decree dated 03.04.2019 passed in M.V.O.P.No.2841 of 2014 by the Motor Accidents Claims Tribunal-cum-II Additional Chief Judge, City Civil Court, Hyderabad and remanded to the tribunal for fresh disposal on merits by receiving documents and by conducting fair trial, if necessary and basing on the oral and documentary evidence available on record after giving opportunity to both sides and dispose of the matter as expeditiously as possible within a period of three months from the date of receipt of a copy of this judgment. It is open for both parties to raise any other grounds available before the tribunal. 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

29.10.2019
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