

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

CIVIL REVISION PETITION No.2289 OF 2019

ORDER:

This revision, under Article 227 of the Constitution of India, is filed by the petitioner aggrieved by the order, dated 08.08.2019 passed in I.A.No.347 of 2019 in O.P.No.209 of 2013 by the Chairman, MACT-cum-II Additional District Judge, Nalgonda at Suryapet, wherein the revision petitioner sought an amendment of compensation from Rs.4,00,000/- to Rs.6,00,000/-, was dismissed.

2. Heard learned counsel for the revision petitioner, learned counsel for respondent No.3 and perused the record.

3. Learned counsel for the revision petitioner would submit that the daughter of revision petitioner, aged about 18 years, died in a motor accident. Inadvertently, an amount of Rs.4,00,000/- was claimed as compensation instead of Rs.6,00,000/-, which is just and reasonable. The Court below erroneously dismissed the amendment application and ultimately prayed to set aside the impugned order and allow the said I.A. as prayed for.

4. Learned counsel for 3rd respondent-Insurance company opposed the relief sought in the said I.A. and supported the impugned order.

5. The entitlement of the claimant is required to be adjudicated after due trial of the motor accident claim petitions. The amendment of compensation, as sought, from Rs.4,00,000/- to Rs.6,00,000/- would not cause any prejudice to the insurance company. Moreover, there is no limitation to file the motor accident claim petitions. In the given circumstances, the Court below ought to have exercised its

jurisdiction in favour of the revision petitioner by allowing the application as prayed for.

6. Under these circumstances, the impugned order, dated 08.08.2019 passed in I.A.No.347 of 2019 in O.P.No.209 of 2013 by the Chairman, MACT-cum-II Additional District Judge, Nalgonda, is set aside and I.A.No.347 of 2019 is allowed as prayed for.

7. In the result, the Civil Revision Petition is allowed. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending shall stand closed.

Date: 01.11.2019
ssp

Dr. SHAMEEM AKTHER, J

