

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

MA.CMA. No.2719 of 2005

JUDGMENT:

Though notice is served, there is no appearance for respondents.

This appeal is filed by petitioner in O.P.No.908 of 1999 against order and decree dated 21.12.2004 passed in the said O.P. by learned Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge (FTC), Nizamabad, dismissing it on the ground that he did not take steps to summon the doctor, who treated him in Government Hospital, Nizamabad, as well as the author of medical bills, Exs.A.6 to A.11.

Learned counsel for appellant submits that appellant produced all medical certificates issued by the doctor at Government Hospital, Nizamabad, as such, there is no need to examine either doctor, who treated him, or author of Exs.A.6 to A.11, but, the Tribunal by placing reliance upon the judgment of this Court in **United India Insurance Company Limited, Hyderabad, v. Mohd. Khaj Rasool Syed @ Mohd. Khaja Main Shaik and another**¹ negatived the same and he ultimately, prays for remanding the matter to the Tribunal for fresh consideration

¹ 2003(5) ALD 162

and to give an opportunity to appellant to examine the doctor, who treated him.

It is to be seen that when there is an objection to Tribunal regarding the documents alleged to have been filed by appellant, it could not have allowed him to mark the same. When once such documents were marked, the appellant would be under the impression that the same could be considered for grant of compensation. It is to be noted that the Motor Vehicles Act is a beneficial legislation and the Apex Court has been time and again observing that the technicalities should not come in the way of grant of just compensation.

In view of aforesaid facts and circumstances of the case, this appeal is allowed by setting aside the order under appeal and the matter is remanded to Tribunal for fresh consideration. The Tribunal is directed to dispose of O.P. within a period of three (3) months from date of receipt of copy of this order.

Consequently, Miscellaneous Petitions, if any pending, shall stand disposed of. No order as to costs.

A. RAJASHEKER REDDY, J

13th FEBRUARY, 2019.

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