

**THE HON'BLE SRI JUSTICE T.AMARNATH GOUD**

**C.M.A. Nos. 3910 and 4027 of 2004**

**COMMON JUDGMENT:**

Since both these appeals arise out of the same accident and the respondents are also one and the same, these appeals are being disposed of by this common judgment.

2. C.M.A.No.3910 of 2004 is filed by the appellant/claimant questioning the order passed in O.P.No.1545 of 2000 and C.M.A.No.4027 of 2004 is filed by the appellant/claimant questioning the order passed in O.P.No.1544 of 2000, dated 27-07-2004 of the Additional Special Judge for SPE & ACB Cases – cum- V Additional Chief Judge, City Civil Court, Hyderabad (for short, 'the trial Court').

**CMA No.3910 of 2004:**

3. Brief facts of the case are that on 24-05-1998 when the appellant/claimant is traveling in auto bearing No.AET 6016 from Zaheerabad to Kohir, a jeep bearing No. AHY 3157, driven by its driver in a rash and negligent manner, dashed against their auto, due to which, he received injuries. Hence, he filed the claim petition claiming compensation of Rs.1,50,000/- against the respondents who are the owner and insurer of the crime vehicle, by contending that he is working as Agent in Andhra Bank and earning Rs.4,000/- per month.

4. In the claim petition, the 2<sup>nd</sup> respondent-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. After considering the oral and documentary evidence on record, the Trial Court held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle and accordingly granted compensation of Rs.50,500/- i.e. Rs.25,000/- towards disability; Rs.20,000/- towards medicines; Rs.500/- towards transportation and Rs.5,000/- towards treatment. Dissatisfied with the said compensation, the claimant filed the appeal.

**C.M.A. No.4027 of 2004:**

6. Brief facts of the case are that on 24-05-1998 when the appellant/claimant is traveling in auto bearing No.AET 6016 from Zaheerabad to Kohir, a jeep bearing No. AHY 3157, driven by its driver in a rash and negligent manner, dashed against their auto due to which, he received injuries. Hence, he filed the claim petition claiming compensation of Rs.2,50,000/- against the respondents who are the owner and insurer of the crime vehicle, by contending that he is working as Security Supervisor and earning Rs.4,000/- per month.

7. In the claim petition, the 2<sup>nd</sup> respondent-insurer filed a counter denying the allegations and contended that the amount

claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

8. After considering the oral and documentary evidence on record, the Trial Court held that the accident occurred due to the rash and negligent manner of the driver of the crime vehicle and accordingly granted compensation of Rs.65,500/- i.e. Rs.30,000/- towards injuries; Rs.30,000/- towards medicines; Rs.500/- towards transportation; and Rs.5,000/- towards treatment.

9. Heard.

10. During the course of hearing the appeals, it came to light that the applications in MACMA MP Nos.4655 and 4656 of 2005 in CMA No.3910 of 2005 and MACMA MP Nos.4663 and 4664 of 2005 in CMA No.4027 of 2005 are pending consideration by this Court which are filed by the appellants in their respective appeals with a prayer to permit the appellants to add the proposed respondent Nos.3 and 4 and to carry out the amendments of the cause titles to that effect in both the appeals.

11. This Court feels that since these applications are pertaining to carry out the amendment of the cause title and also to the claim, unless the proposed respondents are not heard and afford the opportunity to them, the ends of justice cannot be met. Therefore, this Court cannot decide the matters unless the trial Court hearing the said

proposed parties and come to the conclusion after considering their oral and documentary evidence.

12. In this view of the matter, without expressing any opinion and without going into the merits of the case, I deem it appropriate to close the applications in MACMA MP Nos.4655 and 4656 of 2005 in CMA No.3910 of 2005 and MACMA MP Nos.4663 and 4664 of 2005 in CMA No.4027 of 2005.

13. With the above observations, both the appeals are allowed and both the matters are remanded to the trial Court for fresh consideration and to pass orders accordingly. It is made clear that both the parties are at liberty to file appropriate applications, if they are so advised, including implead petitions before the trial Court. Further, since the matters pertain to the year 2000 and the accident has taken place on 23-05-1998, this Court feels it necessary to decide the matters on top priority, as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of this order. However, it is made clear that both sides shall cooperate with the trial Court in the process of adjudicating the same. No costs.

14. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

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**T.AMARNATH GOUD, J**

Date: 29-08-2019  
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