

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1454 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/insurance company questioning the order of the Principal Motor Accidents Claims Tribunal (Principal District Court), at Warangal (for short, the Tribunal) in M.V.O.P.No.866 of 2002 dated 10.10.2007.

2. Heard.

3. Mr.Kota Subba Rao, learned counsel appearing for the appellant/insurance company, submitted that the issue involved in the present appeal is squarely covered by the orders of this Court, dated 03.02.2011, in C.R.P.No.3116 of 2009. A copy of the order of this Court in the afore-stated C.R.P. is placed on record.

4. Relevant portion of the order in the afore-stated C.R.P. reads as under:

“3. It is the contention of the learned counsel for the petitioners/insurance company that the medical certificate produced by the claimant is a bogus one and the Doctor, who allegedly issued that certificate, was arrested by the officials of Central Bureau of Investigation on the allegations of giving false certificates, and that these are the subsequent developments, which are not within the knowledge of the insurance company, and therefore, he prays to remand the matter to the Tribunal giving opportunity to the petitioners to lead evidence. According to the learned counsel for the petitioners, the Doctor is involved in issuing bogus certificates and case in crime no.RC 22A-07-CBI, Hyderabad for the offences

punishable under Sections 120B and 420 IPC was registered against him. In view of the changed circumstances, the impugned order can be set aside the matter can be remanded to the trial Court to permit the petitioners to lead evidence on that aspect.

4. Accordingly, the impugned order is set aside and the matter is remanded to the Tribunal. The petitioners are at liberty to file the relevant documents into the Tribunal in the light of these subsequent developments. Thereafter, the Tribunal shall dispose of the Original Petition in accordance with law after giving opportunity to both the parties.

5. The Civil Revision Petition is, accordingly, allowed. No costs.”

5. In view of the submissions and for the reasons alike as were mentioned in the earlier orders of this Court in the afore-stated C.R.P., the M.A.C.M.A is allowed setting aside the order and decree dated 10.10.2007 in M.V.O.P.No.866 of 2002 passed by the Tribunal and remanding the matter to the Tribunal for fresh consideration. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

T.AMARNATH GOUD, J

Date: 25th October, 2019

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