

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

I.A.No.1 of 2018 in MACMA.MP.No.4895 of 2017

in

MACMA.No.2769 of 2017

and

M.A.C.M.A. No.2769 of 2017

COMMON JUDGMENT :

This appeal is filed challenging the order dt.16.03.2017 passed in Motor Vehicle Original Petition No.2930 of 2013 on the file of the XIII Additional Chief Judge, (Fast Track Court), City Civil Court, Hyderabad.

2. Both the counsel appearing for appellant as well as respondent nos.1 and 2 agree that the age of deceased, whose death is the cause for the filing of the M.V.O.P., is only six years, but the impugned order passed by the Court below proceeds on the footing that the accused is of age (75) years. They also agree that the facts recorded in this judgment do not relate to this O.P.No.2930 of 2013, and that the learned Judge had cut and pasted in the impugned order the judgment in another O.P. with totally different facts.

3. Since there must be a serious error committed by the Court below in adjudicating the O.P., the impugned order dt.16.03.2017 passed in Motor Vehicle Original Petition No.2930 of 2013 on the file of the XIII Additional Chief Judge, (Fast Track Court), City Civil Court, Hyderabad is set aside; and the said O.P. is remitted back to the

said Court for fresh consideration and decision after hearing both sides.

4. Accordingly, the M.A.C.M.A. is allowed as above. No order as to costs.

5. Consequently, I.A.No.1 of 2018 in MACMA.MP.No.4895 of 2017 in MACMA.No.2769 of 2017 is dismissed.

6. Since the matter is of the year 2013, the Court below is directed to decide the said O.P. within three (03) months from the date of receipt of copy of this order.

7. As a sequel, miscellaneous petitions pending if any in this M.A.C.M.A., shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27.03.2019

Ndr/*