

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

M.A.C.M.A. NO: 269 OF 2022

Appeal under Section 173 of Motor Vehicles Act against the Order and decree in M.V.O.P.No. 3064 of 2017 dated 10/03/2022 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal - cum – III Additional Chief Judge City Civil Court at Hyderabad.

Between:

1. Beldi Suvama, W/o. Late Vittla, aged . 55 Years, Occ. Housewife.
2. Beldi Raju, W/o. Late Vittla, aged . 37 Years, Occ. Milk Business, (IA allowed vide No.940 of 2021).
3. Beldi Rajamma, W/o. Late Gundaiah (died),

All are R/o. 2-4-998, Nimboliadda, Kachiguda, Hyderabad.

...APPELLANT/CLAIMANT

AND

1. Kamhari Maruthi, S/o. Kistappa, aged. Major, Occ. Business, 2-69, Yelgoi, Manoor Mandal, Medak District.
2. MAGMA HDI General Insurance Company Limited, represented by its Manager, Room 301 and 302, 3rd Floor, Madhava Towers, 7-1-59/2 (459/6), Ameerpet, Hyderabad -500 016.

Policy No.P0017300005/4192/101844, valid from 01.02.2016 to 30.11.2017.

3. Santosh, S/o. Tuljaram, aged. 31 Years, Occ. Driver, R/o. 2-3-163/9, Saibaba Colony, Mangalpet, Narayankhed, Medak District.

...RESPONDENTS/RESPONDENTS

For the Appellant : SRI. C. M. PRAKASH, Advocate

For the Respondents : None Appeared

The Court delivered the following : Judgment

THE HONOURABLE SMT JUSTICE P.SREE SUDHA

MACMA No.269 OF 2022

JUDGMENT:

This motor accident civil miscellaneous appeal is preferred by the appellants/claimants against the judgment and decree dated 10.03.2022 in M.V.O.P.No.3064 of 2017 passed by the Motor Accidents Tribunal cum-III-Additional Chief Judge, City Civil Courts, Hyderabad.

2. Heard learned counsel for the appellants. None appears for the respondents. Perused the record.

3. M.V.O.P.No.3064 of 2017 was filed by the claimants/dependants of deceased late Vittal seeking compensation of Rs.10,00,000/- on account of death of late Vittal in a road accident. The trial Court, vide order and decree dated 10.03.2022, has dismissed the said petition on the ground that the married daughters of the deceased were not added as parties to the petition.

4. The order of the trial Court in dismissing the petition basing on the above ground is patently illegal as it

is not a suit for partition and is only a petition for entitlement of compensation on account of death of the deceased. Wife of the deceased is alive and as such, she claimed compensation for herself and also for her sons and daughter and she could not add her married daughters as they are already married prior to death of the deceased. The claimants are entitled for compensation on account of death of deceased since the policy was in existence as on the date of accident and only at the time of apportionment of the amount, the Court has to see whether all the legal representatives of the deceased are added as parties or not but merely because the married daughters are not added as parties to the petition, the petition cannot be dismissed on that ground.

5. However, the learned counsel for the claimants expressed their willingness to add the married daughters of the deceased as parties to the petition. Therefore, the matter is remanded back to the trial Court to dispose of it on merits after considering the contentions of both the parties.

6. In the result, this petition is disposed of remanding back M.V.O.P.No.3064 of 2017 to the Motor Accidents Tribunal cum-III-Additional Chief Judge, City Civil Courts, Hyderabad to dispose of it on merits after considering the contentions of both the parties

In the facts and circumstances of the case, there shall be no order as to costs. Miscellaneous petitions, if any, pending, in this M.A.C.M.A. shall stand closed.

Sd/- I.NAGALAKSHMI
DEPUTY REGISTRAR

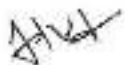
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SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal – cum – III Additional Chief Judge, City Civil Court at Hyderabad.
2. One CC to SRI. C.MOHAN PRAKASH, Advocate [OPUC]
3. Two CD Copies
4. One Spare Copy

AKB



HIGH COURT

DATED: 17/06/2022



JUDGMENT

MACMA.No.269 of 2022

**DISPOSING AND REMANDING MACMA
WITHOUT COSTS**

⑤
20/12/22
HVS