

**HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY**

**MACMA No.1599 OF 2015**

**JUDGMENT:**

This appeal is filed against the order dated 29.10.2013 passed by the XIII Additional Chief Judge (FTC), City Civil Court at Hyderabad in OP.No.1750 of 2011, wherein the Court below dismissed the said OP filed by the appellants herein claiming compensation under Motor Vehicles Act for the death of their son in the Motor Vehicle accident.

The case of the appellants is that the Court below dismissed the OP for non payment of costs for leading evidence. But, it is stated that though the petitioners' counsel paid costs on 29.10.2013 and also filed the said receipt along with Memo in the Court below, the Court without taking same into account, dismissed the OP.

Heard both sides.

Learned counsel for the appellants submits that a copy of the receipt dated 29.10.2013 issued by the City Civil Court Legal Services Authority for Rs.300/- is filed along with material papers and that the original is filed along with the memo in the trial Court.

In fact, the Motor Vehicles Act, 1988 is a beneficial legislation for granting compensation in respect of injured and deceased persons in motor vehicle accidents. In the present case on the same day costs are paid and OP is dismissed. As such, I am of the opinion that the impugned order is liable to be set aside.

Accordingly, the appeal is allowed setting aside the order dated 29.10.2013 passed by the XIII Additional Chief Judge (FTC), City Civil Court, Hyderabad in OP.No.1750 of 2011 and the matter is remanded back to the Court below. The Court below may also verify whether the original receipt dated 29.10.2013 is filed and proceed with the disposal of the OP.

As a sequel thereto, miscellaneous petitions, if any, pending in the appeal, shall stand closed.

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**A.RAJASHEKER REDDY, J**

20.11.2015

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