

**THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**M.A.C.M.A.No. 2029 of 2015**

**JUDGMENT:**

This appeal is filed by the Andhra Pradesh State Road Transport Corporation against the judgment and decree dated 05.01.2014 passed by the Motor Vehicle Accident Claims Tribunal-cum-XI Additional District Judge (Fast Track Court), Ranga Reddy District at L.B.Nagar (for short 'the Tribunal') in O.P.No.1074 of 2013 granting compensation of Rs.2,35,000/- in favour of the claimant/respondent herein for the injuries sustained by him in a road accident.

Both the learned counsel state that the main appeal itself can be disposed of, as a short point is involved.

Learned counsel for the appellant submits that the Tribunal framed only one issue regarding quantum of compensation and answered the same, but it did not frame any issue regarding rash and negligent driving of the crime vehicle by its driver which is *sine qua non* for grant of compensation.

On the other hand, learned counsel for the respondent/claimant submits that two claim petitions i.e., O.P.No.1073 of 2013 and the present O.P.No.1074 of 2013 were filed out of the same accident, and in O.P.No.1073 of 2013, a finding regarding rash and negligent driving of the crime vehicle by its driver was given, but inadvertently, the same was not reflected in the present O.P.No.1074 of 2013.

A perusal of the judgment of the Tribunal goes to show that no issue was framed by the Tribunal with regard to rash and negligent driving, but findings were given on Issue Nos.1 & 3 and compensation was awarded. Further, nowhere it is indicated that common evidence was adduced in respect of O.P.Nos.1073 and 1074 of 2013 and the issue regarding rash and negligent driving of the crime vehicle by its driver was answered in favour of the claimant/s in O.P.No.1073 of

2013. In view of the same, the impugned judgment is liable to be set aside and the matter is liable to be remanded for framing of appropriate issues and deciding the same.

Accordingly, the Appeal is allowed and the judgment under appeal is set aside and the matter is remanded to the Tribunal for framing of appropriate issues and for fresh consideration, in accordance with law. The Tribunal shall dispose of the O.P.No.1074 of 2013 within a period of two (2) months from the date of receipt of a copy of this order. It is made clear that the deposit made by the appellant will be subject to the result of O.P.No.1074 of 2013. There shall be no order as to costs.

Consequently, interim stay granted on 01.10.2015 is vacated and miscellaneous petitions, if any, pending in the appeal shall stand dismissed.

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**A. RAJASHEKER REDDY, J.**

14<sup>th</sup> December, 2015  
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