

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
M.A.C.M.A.Nos.1176, 1179 and 1217 of 2005

-
COMMON JUDGMENT:

These three appeals are filed by the Insurance Company against three awards in O.P.Nos.378 of 2002, 708 of 2001 and 377 of 2002, dated 24.03.2005, respectively passed by the Motor Accidents Claims Tribunal, West Godavari District, Eluru, arising out of the same accident.

Though the amounts were awarded to the claimants in the above claim petitions making the Insurance Company liable to pay the compensation, liberty was given to the Insurance Company to recover the amount of compensation from the owner of the vehicle by filing an Execution Petition straightaway. The said decision was rendered by the Tribunal on the basis of the decision of the Supreme Court in **Oriental Insurance Company Limited v. Nanjappan**^[1].

In view of the clarification given by the Tribunal with regard to the liability of the Insurance Company, learned Counsel appearing for the appellants submits that the appellants be given liberty to pay the amount and take up execution petitions in accordance with the guidelines issued by the Supreme Court in **Nanjappan's** case (supra).

In view of the finding recorded by the Tribunal, it is needless to observe that it is open to the appellants to take up the proceedings in accordance with the order of the Tribunal read with the ratio of the Supreme Court in **Nanjappan's** case (supra).

With the above clarification all these three appeals are disposed of confirming the awards passed by the Motor Accidents Claims Tribunal, West Godavari District, Eluru. The miscellaneous petition pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

03.11.2015

VS

[\[1\]](#) AIR 2004 SC 1630 : 2004 (2) ACJ 721