

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.M.A.Nos.475 & 483 of 2004

COMMON JUDGMENT:

Heard the learned counsel for appellant and the learned counsel for first respondent.

2. It is represented by the learned counsel for the appellant that a connected appeal i.e., CMA.No.474 of 2004, arising out of the same accident, was allowed by this Court, by order dated 13.03.2009, following the decision of the Supreme Court in **New India Assurance Company Limited v. Asha Rani**^[1]. However, this Court held that compensation if any paid to the claimant after passing of impugned award or during pendency of the appeal shall not be recovered from the claimant. But, liberty was given to the injured to recover the same from the owner of the vehicle as per the decision of the Supreme Court in **Oriental Insurance Company Limited v. Nanjappan**^[2].

3. In view of the same, these two appeals are also allowed in accordance with and in terms of the order in CMA.No.474 of 2004, dated 13.03.2009. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 09.02.2016

Note: Registry is directed to attach the order copy in CMA.No.474 of 2004 dated 13.03.2009, to this order.

B/o. TJMR

^[1] (2003) 2 SCC 223

^[2] AIR 2004 SC 1630