

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.654 of 2008

JUDGMENT :

Heard both sides and perused the material on record. The respondent Nos.1 and 2 in the claim petition, remained exparte before the Tribunal and it is the representation that no notice is necessary even impleaded in this appeal vide Meka Chakra Rao V. Y.Babu Rao¹ and the same is recorded. At request of both parties, the main appeal heard of its disposal.

2) The present appeal is filed by the 4th respondent/ A.P.S.R.T.C contending the Tribunal ought to have exonerated the A.P.S.R.T.C from liability and fixing the liability only against the insurer.

3) Coming to the exoneration of the A.P.S.R.T.C and the owner from liability in fixing, law is fairly settled from the expression of the Apex Court in *Managing Director, K.S.R.T.C V. New India Assurance Co. Ltd*² referring to *Uttar Pradesh State Road Transport Corporation V. Kulsum*³, *APSRTC, Hyderabad V. B.kanakaratnabai*⁴ showing the joint liability.

4) In the result, the appeal is partly allowed fixing the liability of owner and insurer also and if any amount paid or deposited so far by the A.P.S.R.T.C and not permitted to

¹ 2001(1) ALT 495 (DB)

² 2015 ACJ 2862

³ (2011)8 SCC 142

⁴ 2013(1)ALD 644 (FB)

withdraw, entitled to take back by filing cheque petition and if permitted to withdraw as per the agreement, between Road Transport Corporation and the owner of the bus, entitled to be reimbursed from the insurance company. In all other respects, the award of the Tribunal holds good. There shall be no order as to costs.

5) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

21.09.2016
ksh



Dr. B. SIVA SANKARA RAO, J