

**HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

**M.A.C.M.A. No.2021 OF 2009**

**JUDGMENT:**

The present appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act') by respondent No.2 - M/s. United India Insurance Company Limited in O.P. No.2210 of 2004, on the file of the Chairman, Motor Accident Claims Tribunal - cum - XVI Additional Chief Judge - cum - II Additional Metropolitan Sessions Judge, Hyderabad (for short 'the Tribunal'), aggrieved over the liability fastened on it to pay the compensation despite the fact that the vehicle was hired by respondent No.3 - Andhra Pradesh State Road Transport Corporation (APSRTC) belonging to respondent No.1 and met with an accident, by order and decree, dated 16-02-2008, for the injuries sustained by the petitioner, granting a sum of Rs.99,400/- as compensation with interest at 7.5% per annum thereon as against the claim of Rs.1,50,000/- laid by the petitioner under Section 166 of the Act.

2. Respondent No.2 and the appellant herein, who are owner and insurer of bus bearing registration No.AP 11V 8521, are respondent Nos.1 and 2 while respondent No.3, who took the bus on hire, is respondent No.3 and respondent No.1 is the petitioner in the OP before the Tribunal.

4. The facts are not in dispute including the manner in which the accident had occurred and the nature of injuries sustained by the petitioner.

5. The challenge in the instant appeal is, only in regard to the liability fastened on the Insurance Company stating that though, the APSRTC was obligated with the duty to compensate, but not the Insurance Company and that there was no proper appreciation of evidence as well as liability by the Tribunal.

6. Heard Sri G. Ramachandra Reddy, learned Standing Counsel for the appellant - Insurer, and Sri K. Hari Mohan Reddy, learned counsel for respondent No.1. Though notice was served on respondent Nos.2 and 3, none appeared for them.

7. The learned standing counsel fairly submits that the appellant has no case on merit for the reason that the full bench of this Court in the **APSRTC, rep. by its General Manager (Now Redesignated as Managing Director), Musheerabad, Hyderabad and Others v. B. Kanaka Ratnabai and Others**<sup>1</sup> declared that the Insurance Company is also liable to pay compensation jointly and severally. In fact, the Hon'ble Supreme Court in **Purnya Kala Devi v.State of Assam and Anr.**<sup>2</sup>, laid down the law to the same effect.

8. Hence, the appeal is dismissed. No order as to costs.

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<sup>1</sup>. 2013 (1) ALD 644 (FB)

<sup>2</sup>. 2014 ACJ 1269

As a sequel thereto, miscellaneous applications, if any, pending  
in the appeal, stand disposed of.

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**A. SHANKAR NARAYANA, J**

**September 12, 2016.**  
Mgr

