

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA Nos.1909, 1910, 1911 and 1912 of 2010

COMMON JUDGMENT:

Heard both sides at length and perused the material on record covered by the four appeals maintained by the insurer.

2. The 2nd respondent-insurer among two respondents including owner of jeep bearing No.AP 31V 5602 is the appellant in all the four appeals and the common question of law is involved in all the claims.

3. The respective injured persons, who were travelling in the jeep of claim petition 1st respondent with seating capacity 5+1 and the claims are four in number including is one of death claim and the other three are injured, maintained under Section 166 of the Motor Vehicles Act (for short 'the Act') for the respective amounts, since contested by the respondents-owner and insurer and the tribunal held that the claim is sustainable under Section 166 of the Act and the insurer is to be made jointly liable with the observation of the owner before plying the vehicle is supposed to verify the condition as to road worthy or not and even the accident was not due to the rash and negligent driving of the driver, it is from the mechanical defect,

outcome of not taking precaution before plying by the owner, said finding is now impugned.

4. In fact, Section 163-A of the Act says, once the vehicle in use, a claim can be maintained by the injured or other claimants being legal representatives/ dependants of the deceased. Here, the fact that the vehicle is in use in public place not in dispute. Once such is the case, it is the claim that can be covered otherwise under Section 163-A of the Act even there for, the insurer once policy covers the risk for the persons travelling in the jeep, being a standard package policy, liable to indemnify the owner as per the I.R.D.A. Regulations w.e.f. 16.11.1999. Thus, there is nothing to interfere with the awards of the tribunal.

5. Accordingly, all the appeals are dismissed. No order as to costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date: 10.11.2016

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