

HON'BLE SRI JUSTICE R. KANTHA RAO
Civil Revision Petition Nos.103 & 114 of 2009

COMMON ORDER:

These two civil revision petitions are filed by the National Insurance Company Limited., challenging the awards passed by the Chairman, Motor Accidents Claims Tribunal cum VI Additional District Judge (FTC), FAC. V Additional District Judge (FTC), Guntur, in MV OP Nos.330 and 334 of 2006 dated 31.03.2008.

2. The claims in these two civil revision petitions and the claims in MA CMA Nos.79, 80, 82, 83, 84, 1559, 2540 of 2009 and CRP Nos.99, 101, 102, 127 and 134 of 2009, arose out of the same accident. Since these two revision petitions arose out of the same accident, they are being disposed of by this common order.

3 . The contention of the learned standing counsel for the National Insurance Company Ltd., in these two civil revision petitions is that the insurance company is liable to satisfy only five claimants in descending order, starting from the highest of the awards and distribute the total amount among all the claimants proportionately, since as per the policy, the risk of only five passengers is covered. The learned single Judge of this court in the afore mentioned cases, by way of common judgment, following the ratio laid down in '***National Insurance Company Ltd., vs. Anjana Shyam & others***^[1]', up-held the contention of the revision petitioners-National Insurance Company Ltd. The learned single Judge took the view that the highest of the five awards passed by the Tribunal have to be taken into consideration and the total amount thereof, would have to be distributed on pro-rata basing among all the claimants.

4. Since the claims of the 1st respondent in the present civil revision petitions are also arise out of the same accident, these civil revision petitions also disposed of in terms of the common judgment

passed by this court in MA CMA No.79 of 2009 & batch dated 27.08.2010. The 1st respondent in both the civil revision petitions are at liberty to recover the amount of compensation from the owner of the vehicle. No order as to costs. Miscellaneous petitions, pending if any in these petitions, shall stand closed.

R. KANTHA RAO, J

Date: 21.01.2016
BSS

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