

**THE HONOURABLE SRI JUSTICE U.DURGA PRASAD
RAO**

M.A.C.M.A.No.308 of 2009

JUDGMENT:

This appeal is preferred by the Insurance Company aggrieved by the Awards dt:08.09.2008 in MOP No.377 of 2005 passed by the Chairman, MACT–cum–IX Additional District and Sessions Judge (FTC), Visakhapatnam (for short 'the Tribunal').

2) The facts of the present appeal are similar to the facts in MACMA Nos.309 and 310 of 2009 as all these appeals filed are arising out of same accident. Hence, this appeal which is covered by the common judgment dt:16.02.2016 passed by this Court in MACMA Nos.309 and 310 of 2009 is allowed and ordered as follows:

- a) The Insurance Company(R.2 in the O.P) is exonerated from the liability.
- b) R.1 in the O.P/owner of the vehicle shall alone pay compensation to the claimant within two (2) months from the date of this judgment, failing which execution can be taken out against him.
- c) However, pending appeal if the appellant/Insurance Company paid any compensation to the claimants, it can recover the same from the owner of the vehicle (R.1 in the O.P) but not from the claimants.

d) No costs in the appeal.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 18.02.2016

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