

THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

M.A.C.M.A.No.178 of 2011

JUDGMENT:

The National Insurance Company Limited – respondent No.2 in M.V.O.P.No.621 of 2004 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge (Fast Track Court), Kadapa (for short 'the Tribunal'), preferred the present appeal questioning the award and decree, dated 11.10.2006, passed in the said original petition, fixing liability on it, since it being the insurer of the offending jeep, and also on the owner of the said jeep, who is respondent No.1 in the original petition.

2. Heard Sri T.Ramulu, learned counsel for the appellant-Insurance Company, and Sri D.Kodanda Rami Reddy, learned counsel for respondent No.1-petitioner in the O.P. Though, respondent No.2 was served with notice, none appears for him.

3. In all the claims relating to the present accident, separate awards were passed and the appeals were preferred by the Insurance Company as well as some of the claimants. One such appeal was MACMA.No.785 of 2009. Copy of the judgment, dated 16.02.2015, passed in the said appeal is placed on record. The Insurance Company, which is the appellant herein, preferred the said appeal on the very same ground as agitated in the instant appeal and the same was dismissed.

4. In the said MACMA.No.785 of 2009, the contentions of the Insurance Company (appellant herein) were elaborately discussed by this Court and the findings recorded by the Tribunal in regard to liability fastened on respondent Nos.1 and 2 were confirmed. Thus, when this Court had already taken a view rejecting the grounds agitated by the Insurance Company in MACMA.No.785 of 2009, certainly, this Court now cannot deviate from those findings. Thus, the instant appeal is squarely covered by the order of this Court in MACMA.No.785 of 2009, which was dismissed, and, therefore, the instant appeal is liable to be dismissed.

5. Accordingly, the instant appeal is dismissed, confirming the order and decree under challenge in all respects. There shall be no order as to costs.

6. Miscellaneous applications, if any pending in the instant appeal, shall stand closed. No order as to costs.

JUSTICE A.SHANKAR NARAYANA

17.09.2016

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