

SMT JUSTICE T. RAJANI

MACMA No.1302 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the second respondent-insurer before the Court below, assailing the judgment of the III Additional District and Sessions Judge, Ranga Reddy District in OP.No.904 of 2004 dated 13.11.2007 on the grounds that the Court below erred in directing the appellant to pay the compensation and recover the same from the owner in spite of there being no liability on the insurer, as the deceased is aged 18 years old and he did not have driving licence admittedly.

2. Heard both sides.

3. A perusal of the judgment of the Court below shows that though it came to the conclusion that there was no driving licence to the deceased, it, however, relied on a decision of a Division Bench of this Court in *UNITED INDIA INSURANCE COMPANY v. DHULIPALLA PRAMEELA DEVI* [2007(4) ALD 495 (DB)] and the decisions of the Supreme Court in *NEW INDIA ASSURANCE CO. LTD. v. KAMALA* [2001 ACJ 843] and *NATIONAL INSURANCE COMPANY v. SWARAN SINGH* [(2004) 1 ACJ 1] in directing the second respondent – insurance company to pay the compensation initially and recover the same from the owner of the vehicle. It observed that in the above decisions the Courts held that the insurance company is liable to satisfy the award in favour of the third parties at the first instance and can recover the awarded amount from the owner of the crime vehicle.

4. The counsel for the appellant does not differentiate this case on facts so as not to apply the above decisions. Hence, in view of the above, there can be no other option except to dismiss the appeal confirming the judgment of the court below.

Accordingly, the civil miscellaneous appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

October 16, 2017
LMV

T. RAJANI, J

