

SMT JUSTICE T. RAJANI

MACMA.No.2722 of 2011

JUDGMENT:

This appeal is preferred by the appellant, who is the third respondent before the Court below, assailing the judgment of the V Additional District Judge, Rayachoty in MVOP.No.172 of 2008 dated 21.10.2009 on the ground that the Court below ought to have seen that as per the hire agreement, Ex.B1, the liability is to be borne by the owner and insurer alone.

2. Heard both sides.

3. The learned counsel agree to the proposition laid down by the Supreme Court in *MANAGING DIRECTOR, KSRTC v. NEW INDIA ASSURANCE CO. LTD.*¹ wherein the award was made against both the KSRTC and the insurer of the vehicle by treating KSRTC as owner of the vehicle, but opportunity was given to KSRTC to recover the amount paid to the claimant from the owner, as stipulated in the agreement or from the insurer.

4. Hence, it would suffice to say that, in this case also, such direction would meet the ends of justice. The judgment of the Court below is modified by giving liberty to the APSRTC, third respondent, to recover the amount paid to the claimants, from the owner, as stipulated in the agreement or from the insurer.

¹ (2016) 2 SCC 382

The civil miscellaneous appeal is disposed of with the above terms. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

November 30, 2017
DSK

T. RAJANI, J

