

HONOURABLE Dr. JUSTICE SHAMEER AKTHER

M.A.C.M.A.No.682 OF 2006

JUDGMENT:

This appeal is filed by the appellant-respondent No.3-National Insurance Company aggrieved by the Order/Award in M.V.O.P.No.647 of 2000 on the file of Motor Accidents Claims Tribunal-cum-II Additional District Judge, West Godavari District Euru.

Heard the learned counsel for the appellant-respondent No.3-National Insurance Company. There is no representation on behalf of the respondents.

Aggrieved by the grant of compensation and tagging liability to the appellant-respondent No.3-National Insurance Company, this appeal is filed.

As seen from the entire material on record, there is material to hold that the compensation of Rs.12,01,792/- awarded by the Tribunal is just and adequate, and there is nothing to take a different view.

As far as rash and negligence on the part of the crime vehicle is concerned, it is insured with the appellant-respondent No.3 under the original of Ex.B-1, and the same is also not in dispute.

Learned counsel appearing for the appellant-Insurance Company contended that the liability is jointly and severally to pay the compensation to the claimants.

To substantiate the said contention, the learned counsel for the appellant relied on a decision reported in *MANAGING DIRECTOR, KSRTC v. NEW INDIA ASSURANCE*¹.

¹ 2015(6) ALD 166 SC

As seen from the entire evidence on record, that the crime vehicle bus bearing No. AP.16.W.8766 was hired by the A.P.S.R.T.C./6th respondent for the purpose of transportation of passengers. The said facts are not in dispute.

The Tribunal while determining the liability held that the appellant-National Insurance Company and A.P.S.R.T.C./6th respondent are jointly and severally liable along with the driver and owner of the vehicle, relying on the decisions (1) APSRTC REP. BY ITS REGIONAL MANAGER, KURNOOL v. K.SUSEELAMMA AND OTHERS², (2) RAJASTHAN STATE ROAD TRANSPORT CORPORATION v. AILASH NATH KOTHARI³ and (3) NEW INDIA ASSURANCE COMPANY LTD. V. B.G. SUMA⁴.

The facts and circumstances of the case on hand and the circumstances referred in the above decisions are similar. Therefore, in the circumstances of the case, no different view can be taken and as such, the appeal is liable to be dismissed.

In the result, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 20-01-2017
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² 1997(7) SCC 481

³ 2002(6) ALT 465 = 2004 ACJ 883

⁴ 2004 ACJ 883

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