

HON'BLE Dr.JUSTICE SHAMEEM AKTHER

MACMA No.1348 of 2007

JUDGMENT:

Heard learned counsel for the appellant-insurance company and Sri B.Venkat Reddy, counsel for respondents 1 to 4/claimants. None appears for respondents 6.

2. Learned counsel for the appellant-insurance company would submit that the crime vehicle is hired by APSRTC/6th respondent and though there is valid insurance with the appellant, it is the obligation of the RTC to pay compensation to the claimants. The Tribunal has erroneously tagged the liability against the appellant herein. The Tribunal ought not to have granted any relief against the appellant herein and the APSRTC/6th respondent alone is liable to pay the compensation and ultimately prayed to set aside the award and decree under appeal.

3. There is no representation on behalf of other parties.

4. In view of the contentions put forth, the point for determination is whether the claim against the appellant/insurance company is liable to be dismissed.

5. In view of the evidence on record, the crime vehicle bearing No.AP 9 W 822 is owned by M/s Sri Sai Travels and is insured by the appellant herein. The said vehicle had been used by the 6th respondent on hire and when the

vehicle was hired with the APSRTC, the accident occurred. The Tribunal while determining all the issues had directed the appellant and respondents 5 and 6 to pay compensation to the respondents 1 to 4/claimants, jointly and severally.

6. As seen from Ex.B2 copy of insurance policy there was valid insurance and the appellant is the insurer of the vehicle. As per the judgment reported in ***Managing Director KSRTC and others vs. New India Assurance Company Limited and others***¹, the owner, hirer of vehicle and insurance company all are jointly and severally liable to pay compensation.

The facts and circumstances of this case are covered by the above judgment. Therefore, the appeal is devoid of merits. Accordingly, the point is answered.

5. In the result, appeal is dismissed. No order as to costs.

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

Dr.SHAMEEM AKTHER, J

June 27, 2017
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¹ 2016 (2) SCC 382

