

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

MACMA No.1438 of 2005

JUDGMENT:

This Appeal is filed by the appellants-petitioners, against order and decree dated 13.06.2005 in OP No.136 of 2004 wherein and whereby the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial, (for short 'the Tribunal') partly allowed the claim petition filed by the respondents/claimants by granting Rs.6,18,500/- out of Rs.9,00,000/- towards compensation by fixing the liability on the 3rd respondent-insurance company only to the extent of Rs.1,00,000/- and fixing the remaining liability on the respondents 1 and 2, who are driver and owner of the offending car bearing No. AP 9J 9494, respectively.

2. Heard learned counsel for the appellants and Sri V.Krishna Rao, learned Standing Counsel for the 3rd respondent insurance company.

3. Learned counsel for the appellants submitted that the claimants are satisfied with the quantum of compensation granted by the Tribunal, but instant appeal is filed only to the extent of fixing liability on the 3rd respondent-insurance company. He further submitted that Ex.A6 is the insurance policy, which is a

comprehensive insurance policy and restricting the liability of the insurance company to the extent of Rs.1,00,000/- is erroneous and without any basis.

4. Learned Standing Counsel appearing for the 3rd respondent could not dispute the fact that Ex.A6 insurance policy is a comprehensive policy issued to the offending car, which involved in the accident. He also could not point out that there can be any restriction on the liability of the insurance company.

5. There is no dispute with regard to the manner in which the accident occurred and granting of compensation to the claimants. Since the only issue that is required to be considered in this appeal is whether the Tribunal is justified in fixing the liability on the 3rd respondent- insurance company only to the extent of Rs.1,00,000/-, the other issues which are already held in favour of the appellants/claimants need not be gone into.

6. A perusal of the impugned Award dated 13.06.2005 in OP No.136 of 2004, at paragraph 17, it is held as follows:

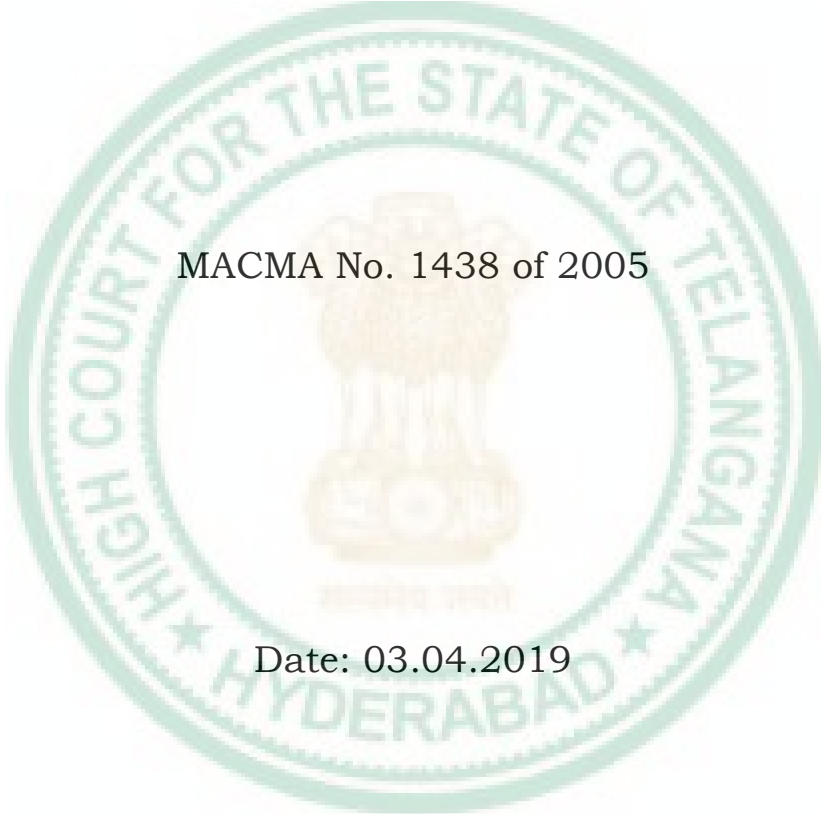
“17. The deceased was travelling as a passenger in the Car. Ex.B1 the policy shows that it was issued covering the risk of four passengers each for a sum of Rs.1,00,000/-. As the deceased was a passenger in the Car, the liability of R.3 insurance company is to be limited to a sum of Rs.1,00,000/-. I accordingly hold under this issue.”

The aforesaid finding of the Tribunal could not be supported by the learned Standing Counsel. A perusal of Ex.A6, insurance policy, which is a comprehensive policy, this Court is of the considered opinion that the finding rendered by the Tribunal at paragraph No.17 of the Award is erroneous and set is liable to be set aside, and accordingly set aside and the entire liability of payment of compensation of Rs.6,18,500/- is fixed on the 3rd respondent-insurance company along with other respondents jointly and severally.

Accordingly, this Appeal is allowed to the extent indicated above. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in this Appeal, shall stand closed.

A.RAJASHEKER REDDY, J

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDYThe seal of the High Court for the State of Telangana, Hyderabad, is a circular emblem. It features a green outer ring with the text "HIGH COURT FOR THE STATE OF TELANGANA" at the top and "HYDERABAD" at the bottom, separated by two stars. In the center is the State Emblem of India, which is a golden Lion Capital of Ashoka. Below the emblem, the words "विद्या ऽ मृतमश्नुते" are inscribed in Devanagari script.

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Date: 03.04.2019

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