

SMT JUSTICE T. RAJANI

M.A.C.M.A. No.919 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is respondent No.2 before the Court below, assailing the judgment of the Principal District Judge, Kurnool in O.P. No.599 of 1997 dated 08.05.2000 on the ground that the lower Court fixed liability on the Insurance Company, though the claimant was travelling as unauthorised passenger and that the driver of the crime vehicle did not have valid driving licence.

2. Heard learned Standing Counsel for the appellant. Respondent does not appear.

3. Learned Standing Counsel for the appellant informs the Court that there was another appeal which arose out of the same accident in C.M.A. No.3776 of 2002 and that this Court ordered the appellant to pay compensation and recover the same from the owner.

4. The judgment in C.M.A. No.3776 of 2002 reads as follows:

“This is an appeal at the instance of the Insurance Company aggrieved by the decree and judgment dated 08.05.2000 in O.P. No.599 of 1997 on the file of the Motor Accidents Claims Tribunal-cum-District Judge, Kurnool awarding a sum of Rs.2,40,500/- for the death of the deceased in a motor accident.

Learned Standing Counsel for the appellant—Insurance company though raised several contentions, the only point involved in this appeal is about fixing up liability in regard to the amount awarded by the Court below towards compensation.

In view of the principles laid down in *National Insurance Company Ltd., v. Kusum Rai*<sup>1</sup> it is always open for the appellant herein to pay the amounts as per the decree to the respondents—claimants and then recover the same from the owner.

Following the same, the appeal is partly allowed modifying the decree of the Court below fixing the quasi liability on the owner to pay back the amounts in the event of the appellant company paying the amounts as awarded by the court below to the claimants”

In terms of the said judgment, this appeal is partly allowed by modifying the decree of the Court below to the extent of fixing liability on the appellant. The appellant is directed to satisfy the award and later recover the same from the owner of the vehicle.

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

T. RAJANI, J

Date:05.10.2017  
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<sup>1</sup> 2006 ACJ 1336