

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2164 of 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-respondent No.1, who is the owner of offending vehicle bearing No.AP 16 U 8828, aggrieved by the order dated 20.08.2003 in O.P.No.331 of 1997 on the file of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Ongole (for short 'the Tribunal').

2. Learned counsel for the appellant reported no instructions. From this, it is clear that the appellant is not interested in pursuing this case. No representation for the respondents.

3. The Tribunal while dealing with the subject matter allowed the claim against the appellant. As per the record, the claimant was travelling in a goods vehicle bearing No.AP 16 U 8828, owned by the appellant.

4. It is apt to refer to the decision of the Hon'ble Supreme Court in New India Assurance Company Limited v. Asha Rani and others¹, wherein it is held that the insurer of the offending vehicle is not liable to pay any compensation to the claimant, who is gratuitous passenger in a goods vehicle and the owner alone is liable to pay the compensation. Hence, there is no infirmity in the impugned order.

¹ 2003(2) SCC 223

5. In the result, the appeal is dismissed.

Miscellaneous Petitions pending, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

Date: 02.08.2018
ssp

