

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

**M.A.C.M.A.Nos.2332 OF 2008, 2234 OF 2009, 371 OF 2010
AND 1453 OF 2014**

COMMON ORDER:

These appeals were filed challenging the orders dated 14.09.2007 passed in O.P.Nos.3090 of 2004, 3088 of 2004, 3130 of 2004 and 3089 of 2004 respectively, by the Motor Accident Claims Tribunal-cum-XII Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal).

2. Since all the appeals arise out of a common accident, they are being disposed of by this common order.

3. The brief facts of the case are that on 01.09.2004, while the deceased and the injured, along with some other persons, were traveling in a jeep bearing No.AP22 U 8270 from Marlakal village to Atmakuru, and when the said jeep reached electrical sub-station at the outskirts of Marlakal village at about 3.20 PM., the bus bearing No.AP 22 U 1965 driven by its driver in a rash and negligent manner, dashed the jeep, as a result of which, the deceased died and others sustained injuries. The legal heirs of the deceased filed O.P.Nos.3090 of 2004, 3088 of 2004, 3130 of 2004 while the injured filed O.P.No.3089 of 2004 seeking compensation.

3. The first respondent in the above claim petitions remained ex parte and respondent Nos.2 and 3 filed their counters contending that they are not liable to pay the compensation.

4. After considering the evidence produced by the parties, the Tribunal held that the accident was occurred due to the rash

and negligent driving of the driver of the bus and directed the second respondent to pay the compensation awarded in all the cases and recover the same from respondent Nos.1 and 3 by filing execution petition as the driver of the vehicle was not holding driving licence at the time of accident. Aggrieved by the said orders, the appellant/insurance company filed the present appeals.

5. Heard.

6. The common question that arises for consideration in these appeals is whether the owner of the bus, who has given on hire with RTC., or the RTC or the insurance company is liable to pay the compensation in the event of accident occurred when the compensation is claimed by the claimants for the loss sustained by them.

7. A perusal of the orders passed by the Tribunal reveal that the accident occurred due to the rash and negligent driving of the bus by its driver, which was given on hire by the first respondent, who is the owner, to the third respondent and respondent No.2 is the insurer of the said bus. In the similar circumstances, in **KARNATKA SRTC V. NEW INDIA ASSURANCE COMPANY LIMITED**¹, the Apex Court held that the registered owner, insurer as well as KSRTC would be liable to make the payment of compensation jointly and severally to the claimants and KSRTC in terms of the lease agreement entered into with the registered owner would be entitled to

¹ (2016) 2 Supreme Court Cases 382

recover the amount paid to the claimants from the owner as stipulated in the agreement or from the insurer.

8. In the light of the above judgment, the owner and hirer of the bus and the insurer are liable to make good the loss caused to the claimants. Therefore, the appellant-insurance company is directed to pay compensation to the claimants at the first instance and recover the same from the owner and hirer.

9. Accordingly, all the M.A.C.M.As., are disposed of. Miscellaneous petitions pending if any shall stand closed. No order as to costs

Date: 15-11-2018
Shr

T.AMAARNATH GOUD, J

