

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.181 OF 2014

ORDER:

This appeal is preferred by the appellant questioning the order of the Motor Accident Claims Tribunal-cum-II Additional District Judge, Khammam (for short, Tribunal) in M.A.T.O.P.No.773 of 2004 dated 01-12-2006, on the ground that the compensation awarded by the Tribunal is very meager and the Tribunal erred in exonerating the insurance company from payment of compensation amount to the appellant.

2. Heard. Sri A.V.K.Prasad, learned counsel appearing for the second respondent vehemently opposed and prayed to dismiss the appeal.

3. This Court finds no reason to interfere with the order of the Tribunal passed in the above O.P., except enhancing the amount of Rs.10,000/- and Rs.5,000/-, which were awarded towards further operation and attendant and conveyance charges, to Rs.25,000/-. Rest of the order remains unchanged.

4. With regard to the claim of the amount awarded, the second respondent insurance company though not liable to pay the compensation, it shall pay the awarded amount to the petitioner/claimant and the same shall be recovered from the first respondent in the light of the Judgment of the Apex Court in **National Insurance Co. Ltd. Vs. Swaran Singh¹**.

¹ (2004) 3 SCC 297

4. Accordingly, the Motor Accident Civil Miscellaneous Appeal is allowed in part. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD,J

Date:26-10-2018
Shr

