

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.3610 of 2005

JUDGMENT

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 15.04.2005 in O.P.No.1024 of 2001 on the file of the III Motor Accident Claims Tribunal, Warangal (for short 'the Tribunal').

2. Heard the learned counsel for appellant-Insurance company and perused the record. There is no representation for the respondents.

3. Learned counsel for the appellant-Insurance company would contend that the injured was a gratuitous passenger. The injured and others engaged the offending vehicle bearing No.AP36E 6119 on hire. Therefore, it is against the policy conditions. The Tribunal erroneously fastened the liability against the insurance company and ultimately, prayed to dismiss the appeal.

4. It is brought to the notice of this Court that in similar circumstances, the insurance company had preferred an appeal *vide* M.A.C.M.A.No.166 of 2006. However, this Court was pleased dismissed the said appeal on 27.07.2017. Under these circumstances, this appeal is also liable to be dismissed.

5. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date : 24.09.2018
ssp

