

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

Civil Miscellaneous Appeal No.988 of 2007

JUDGMENT:

Heard Sri Ramachandra Reddy Gadi, learned Standing Counsel for the appellant-Insurance Company and Sri Ineni Venkata Prasad, learned counsel for the respondents 1 and 2-applicants in W.C.

2. So far as the 3rd respondent-Opposite Party No.1 in W.C. No.15 of 2004 is concerned, Appeal was dismissed for default on 30.03.2016, but the said dismissal is of no consequence in view of the decision of the Division Bench of this Court in **Meka Chakra Rao v. Yelubandi Babu Rao @ Reddemma and others**¹.

3. Learned Standing Counsel for the appellant-Insurance Company, though, tendered elaborate arguments in the direction of subjecting the order under challenge to scrutiny by this Court, however, would conclude that the law declared by this Court to the effect that even the relationship hardly matters so far as employer and employee relationship is concerned, and in the present case the brother of the 1st respondent was the driver, who died in the accident. So far as the driving licence is concerned, where it is between transport and non-transport, law is already settled in **S. Iyyapan v.**

¹ 2001(1) ALT 495 (D.B.)

United India Insurance Co. Ltd.². Thus, there is no merit in the Appeal.

4. However, it is directed that Insurer shall pay the compensation initially and recover the same from the respondent No.3-Opposite Party No.1 in W.C. Case No.15/2004 (F).

5. With the above modification, Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

Dt. 04.06.2018
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A. SHANKAR NARAYANA



² (2013) 7 SCC 62