

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.184 of 2016

JUDGMENT:

This appeal is preferred by the appellant questioning the order of the Motor Accident Claims Tribunal-cum-Judge, Family Court-cum-Additional District Judge, at Khammam (for short, the Tribunal) in M.V.O.P.No.861 of 2012 dated 04-03-2015.

2. Brief facts of the case are that on 06-02-2012 while the deceased - N.Rajender, who was working as Home Guard, was going to DTC, Khammam to hand over Radio Messages on his bicycle and when he reached DTC Dog Squad Room, District Police Headquarters, Khammam, the driver of the Resonance School Bus bearing No.AP-20-TG/TA 9702 drove the bus in a rash and negligent manner at high speed in opposite direction and dashed against him. As a result of which, he fell down and sustained grievous head injury and while taking him to hospital, he succumbed to the injuries. Hence, the claimant Nos.1 to 5, who are the wife, children and parents of the deceased, respectively, filed the claim petition for the death of the deceased against the respondent Nos.1 and 2 who are the owner and insurer of the crime vehicle, claiming compensation of Rs.8.50 lakhs by contending that the deceased was aged about 40 years, hale, healthy and was earning Rs.7,000/- per month as Home guard.

3. In the claim petition, the appellant - owner and the 6th respondent-insurer of the crime vehicle filed counters denying the allegations and contended that the amount claimed by the claimants is highly

excessive and that they are not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the bus and awarded total compensation of Rs.7,90,000/- under various heads, with interest at the rate of 7.5% per annum, payable by the insurer and recover the same from the appellant. Aggrieved by the said order, the appellant/owner filed the present appeal.

5. Heard.

6. A perusal of the record shows that the driver of the crime vehicle is having learning licence and the vehicle is covered under the valid policy, hence, in the nature of the cases like this, it is settled principle of law that the insurance company shall pay the compensation and recover the same from the owner. Therefore, in view of the principle laid down by the Apex Court in **National Insurance Com. Ltd. v. Swaran Singh and others**¹, and for the reasons stated in paras 20 to 22 of the judgment of the Tribunal, this Court is convinced that the awarded compensation is just and proper and the order passed by the Tribunal requires no interference and therefore, the appeal filed by the owner of the crime vehicle is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

¹ (2004) 3 S.C.C. 297

8. Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

T.AMARNATH GOUD, J

Date: 27-08-2019

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