

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

CMA No. 2498 OF 2003,
CMA No. 4074 OF 2003,
CMA No. 4756 OF 2003,
CMA No. 2417 OF 2004,
CMA No. 3286 OF 2004,
MACMA No. 2548 OF 2005,
MACMA No. 1866 OF 2007,
MACMA No. 2103 OF 2007,
MACMA No. 2116 OF 2007,
MACMA No. 2150 OF 2007,
AND
MACMA No. 124 OF 2011

COMMON JUDGMENT:

Since these appeals arise out of the same accident, they are taken up together and disposed of by way of this common judgment.

The brief facts are that on 24.01.2001, when the petitioners were traveling in a lorry bearing No. ADB 396 at Miryalaguda, near Ghanapuram gate, when the driver of the lorry drove it in a rash and negligent manner, it turned turtle, and the petitioners received multiple injuries and they were treated in Government Hospital, Devarakonda.

On considering the evidence of the witnesses and the documents marked, the tribunal vide common order dated 23.09.2002 in O.P.Nos.725 to 728 and 730 to 735 of 2001 granted compensation of Rs.15,000/- in all the petitions, whereas in O.P.No.729 of 2001 an amount of Rs.20,000/- was granted as compensation.

Aggrieved by the common order passed by the tribunal, the insurance company filed these appeal.

Learned standing counsel for the insurance company submitted that the insurance company is not liable to pay the compensation to the petitioners since there is violation of policy conditions as the petitioners travelled as unauthorized passengers in a goods vehicle. He placed reliance of the apex Court in **National Insurance Company Limited v Baljit Kour and others**¹ and submits that the insurance company may be directed to pay the compensation amount to the claimants and recover the same from the owner of the crime vehicle.

Having regard to the facts and circumstances of the case and in the light of the above decision, these appeals are allowed directing the insurance company to pay the compensation amount awarded by the tribunal first to the claimants and then recover the same from the owner of the crime vehicle by following due process of law. There shall be no order as to costs.

Miscellaneous petitions, if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 01.10.2019
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¹ 2004 ACJ 448