

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. Nos.3043, 3078 & 3643 OF 2005;
346 & 373 OF 2006

COMMON JUDGMENT:

The motor vehicle accident that occurred on 15.12.2000 at about 7.00 pm., on the outskirts of Padmatpally village is the common subject matter in all these appeals and, therefore, they are analogously heard and taken up for disposal by this common judgment.

Brief facts of the case are as under:

D.Krishnaiah, J.Show Reddy, J.Venkateshwar Reddy, Y.Ashok and T.Ankamraju and others were working as labourers on lorry bearing No.AP24U 2709 for loading and unloading the cotton from the ryots of the nearby village. On 15.12.2000, after loading the cotton at Kandukuru, while the lorry was returning to Devarakonda for unloading, and when it reach the outskirts of Padamatpally village, the driver of the lorry drove it in a rash and negligent manner with high speed, due to which, the lorry turned turtle. In the said accident, D.Krishnaiah, J.Show Reddy and J.Venkateshwar Reddy died on the spot, while Y.Ashok and T.Ankamraju sustained grievous injuries. The legal heirs of D.Krishnaiah, J.Show Reddy and J.Venkateshwar Reddy filed O.P.Nos.532, 531 and 618 of 2001 respectively on the file of the Motor Accidents Claims Tribunal-cum-I Additional District Judge at Nalgonda (for short, the Tribunal), seeking compensation of Rs.2,50,000/- each for the death of the deceased, while Y.Ashok and T.Ankamraju filed O.P.Nos.193 and 192 of 2001 respectively

before the Tribunal seeking compensation of Rs.50,000/- each for the injuries sustained by them.

4. In the claim petitions, the owner of the lorry remained *ex parte*. The appellant herein-insurance company, filed separate counters denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. 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 lorry and awarded compensation by its separate awards, as shown below in the tabular form:

Sl.No.	O.P. Number	Date of Order	Compensation granted
01.	532 of 2001	29.03.2005	Rs.2,34,000/-
02.	531 of 2001	29.03.2005	Rs.2,46,000/-
03.	618 of 2001	23.02.2005	Rs.2,10,000/-
04.	193 of 2001	01.03.2005	Rs.23,000/-
05.	192 of 2001	01.03.2005	Rs.21,000/-

The Tribunal granted interest @ 9 % per annum in all the OPs. Challenging the awards in O.P.Nos.532, 531, 618, 193 and 192 of 2011, the insurance company filed MACMA.Nos.3043, 3078 and 3643 of 2005; 346 and 373 of 2006 respectively on the ground that though the Tribunal found that the deceased and the injured travelled in the lorry as gratuitous passengers, erroneously it directed the insurance company to pay the compensation instead of directing the owner of the lorry to pay the same.

6. Heard.

7. The main plea of the appellant-insurance company in these appeals is that since the deceased and the injured were traveling as the gratuitous passengers in a goods vehicle, it is not liable to pay the compensation for the death/injuries sustained by them. It is to be noted that the Hon'ble Supreme Court dealt with the similar issue in Civil Appeal Nos.6231 & 6232 of 2019 dated 09.08.2019 in **Anu Bhanvara Vs. Iffco Tokio General Insurance Co. Ltd.** and directed the insurance company to pay the awarded compensation to the claimants and recover the same from the owner of the vehicle. As the facts in the present appeals are similar to the facts of the aforesaid judgment, I see no ground to interfere with the orders of the Tribunal and the appeals are liable to be dismissed.

8. In the result, all the Motor Accident Civil Miscellaneous Appeals are dismissed. No costs.

Date: 14.10.2019
TJMR

T.AMARNATH GOUD, J