

HON'BLE SRI JUSTICE T. AMARNATH GOUD

M.A.C.M.A. No.1597 OF 2012

JUDGMENT:

Questioning liability and quantum of compensation awarded by the learned Chairman, Motor Accidents Claims Tribunal - cum - Principal District Judge, Khammam, by the award dated 09-09-2005 in M.V.O.P. No.744 of 2001, the United India Insurance Company Limited, Tarnaka Branch, Secunderabad, preferred this Civil Miscellaneous Appeal.

2. Heard learned counsel on either side and perused the material on record.

3. It is represented by the learned counsel on either side that subject matter of this appeal is squarely covered by the judgment of this Court in C.M.A. No.68 of 2004 dated 23.08.2012 preferred by the appellant herein, Insurance Company, against the claim laid under Section 140 of the Motor Vehicles Act, 1988, for the same accident between the same parties. The said appeal was dismissed by this Court. Hence, this appeal preferred against the claim laid under Section 166 of the Motor Vehicles Act, 1988, for the same accident between the same parties is also liable to be dismissed.

4. Therefore, the Civil Miscellaneous Appeal is dismissed, in terms of the aforesaid judgment, holding that the 'Act Policy' covers risk of the driver, as such, insurer cannot be absolved by its liability to

indemnify the driver of the vehicle involved in the accident.
The aforesaid judgment dated 23.08.2012 in C.M.A. No.68 of 2004
shall form part of the record. No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any,
pending in the appeal stand closed.

T. AMARNATH GOUD, J

August 2, 2019.
Mgr

