

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No. 2502 of 2009

JUDGMENT:

This appeal is directed against the Award dated 01.05.2008 passed by the Motor Accidents Claims Tribunal-cum-III-Additional District and Sessions Judge(FTC) at Medak of IV Additional District and Sessions Judge, Siddipet (for short 'the Tribunal), in O.P.No.152 of 2006 whereby the Tribunal awarded compensation of Rs.4,92,520/- together with interest from the date of petition till the date of realization on account of the death of the deceased Swamy in a motor vehicle accident that occurred on 07.02.2006, caused due to the rash and negligent driving of the drivers of both the crime vehicles involved in the accident, and accordingly apportioned the compensation among the insurers of both the vehicles.

It is the case of collusion between two vehicles and the deceased was traveling in one of the vehicle i.e. Bolero (Mahendra) bearing No. AP 28 W 1902. When the deceased sustained severe injuries in the accident, shifted to Government Hospital, Siddipet and later referred to Gandhi Hospital, Secunderabad, but he died on the way to hospital.

Now in this appeal, the contention of the insurer of one of the crime vehicles i.e., ICICI Lombard General Insurance Company, against whom 50% of the liability is fixed, is that the insured of the crime vehicle did not pay the premium for the passengers traveling in the vehicle and it is a third party policy, which does not cover the risk of passengers and hence it cannot be mulcted with liability.

In the present case, it is to be seen that admittedly the policy of the vehicle in question is a package policy, which covers the liability in respect of death or bodily injury to any person including occupants carried in the vehicle. Therefore, the contention of the learned counsel for the appellant – insurance company cannot be countenanced and the appeal is liable to be dismissed.

Accordingly the appeal is dismissed, confirming the Award dated 01.05.2008 passed by the Motor Accidents Claims Tribunal-cum-III-Additional District and Sessions Judge(FTC) at Medak of IV Additional District and Sessions Judge, Siddipet.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

25.06.2019
kvrn

T. AMARNATH GOUD, J