THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1873 OF 2008
AND
M.A.C.M.A.No.3290 OF 2019

COMMON JUDGMENT:

Both MACMAs are filed by the Insurance company against the awards, dated 09.04.2007 passed in O.P.No.121 and 128 of 2006 respectively by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial (for short 'the Tribunal').

2. Since both the appeals arise out of the same accident, they are heard together and disposed of by way of this common judgment.

3. O.P.No.121 of 2006 is filed by Odda Komuramma, claiming compensation of Rs.5,00,000/- on account of the death of her son. O.P.No.128 of 2006 is filed by Odde Komuramma claiming compensation of Rs.16,00,000/- on account of the death of her husband.

4. In O.P.No.121 of 2006, after considering the oral and documentary evidence, the tribunal granted compensation of Rs.2,64,500/- with proportionate costs and interest @ 7.5% per annum from the date of petition till realization against respondents 1 to 5 therein jointly and severally.

5. In O.P.No.128 of 2006, after considering the oral and documentary evidence, the tribunal granted compensation of Rs.9,08,000/- with proportionate costs and interest @ 7.5% per

annum from the date of petition till realization against respondents 1 to 5 therein jointly and severally.

6. The case of the claimants is that on 31.01.2006, the claimants and the both the deceased were getting down from Kondagattu Hills after having darshan of Lord Anjaneya Swamy, when they reached near last turning of down side of hill, a lorry bearing No. AAH 4466 driven by the 3rd respondent herein, driver, at high speed and in a rash and negligent manner and dashed against the deceased, due to which, both the deceased died on the spot.

7. Learned counsel for the insurance company only contented that since the driving license of the driver of the offending vehicle expired long back, though policy is valid as on the date of accident, the insurance company is to be exonerated from the liability and therefore, prayed to pass appropriate order that the compensation awarded by the tribunal be paid to the claimants by the insurance company and the same be recovered from respondents 2 to 4 herein.

8. From the above submission, it is clear that the driver of the offending vehicle was not having valid driving license to drive the offending vehicle at the time of accident since the same is expired long back. Therefore, inspite of the fact that the policy issued by the insurance company was in force at the time of accident, the insurance company is not liable to indemnify the insured since the driver of the offending vehicle was not having valid driving license.

Hence, the insurance company is liable to be exonerated from the liability. Considering the facts and circumstances of the case, the insurance company is directed to pay the compensation as directed by the tribunal and recover the same from respondents 2 to 4 herein.

9. Accordingly, M.A.C.M.As. are disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending in these appeals shall stands closed.

T.AMARNATH GOUD,J

DATE 30.08.2019
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