

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

PRESENT
THE HONOURABLE JUSTICE G SRI DEVI

M.A.C.M.A. NO: 490 OF 2015

Between:

Bajaj Allianz General Insurance Co. Ltd., rep. by its Authorised Signatory, D.Nos. 608, 609, 6th floor, Block 2, White house, Begumpet, Hyderabad.

...APPELLANT/ RESPONDENT NO.2

AND

1. Putti Sleeve Raju, S/o. Arlaiah (since died) his L.Rs.
2. Putti Sabeena, W/o. Sleeve Raju, age 38 years, Occ: household.
3. Putti Anusha, D/o. Sleeve Raju, age 18 years, Occ: Student
(R3 is declared as major and her guardian i.e. R2 is discharged from guardianship vide court order dated 7/7/15 in CMP 2414/15)
4. Putti Arun, S/o. Sleeve Raju, age 18 years, Occ: Student (Minor)
Respondent No.4 is declared as major, and discharge the guardian i.e. R2 vide court order dated 08/09/16 in MACMA MP No.3905/2016)
All are R/o. Hyderabad Road, Nalgonda Town.

....Respondents/ Petitioners

5. P. Yadaiah, S/o Saidulu, age 41 years R/o Gurrampode [Village & Mandal, Nalgonda District [Owner of the motor cycle No. AP24AH TR 6347]

...RESPONDENT/ RESPONDENT NO.1

Appeal under Section 173 of Motor Vehicles Act, against the Judgment/ Order and decree made in OP No.476 of 2009 dated 05/09/2014 on the file of the Court of the Motor Accidents Claims Tribunal –cum- 1st Additional District Judge, Nalgonda.

ORDER: This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and decree of the Lower Court and the material papers in the suit and upon hearing the arguments of Sri T.Mahender Rao, Advocate for the Appellant and of Sri M.Kiran Reddy, Advocate for the Respondent Nos.2 to 4 and of the Respondent No.5 not appeared either in person or by Advocate.

This Court doth Order and decree as follows :-

1. That the MACMA be and hereby is allowed in part.
2. The following the doctrine "pay and recover" the appellant –insurance company be and hereby is directed to pay the compensation determined by

the Tribunal to the claimants, at the first instance and thereafter recover the same from the owner of the offending vehicle i.e. the 1st respondent without initiating any separate proceedings.

3. That to save aforesaid, that the decree of the Tribunal be and hereby is confirmed in all other aspects, and
4. That there shall be no order as to costs in this MACMA.

//TRUE COPY//

Sd/-LNAGA LAKSHMI
DEPUTY REGISTRAR
9/11/22
SECTION OFFICER

To

1. The Chairman, Motor Accidents Claims Tribunal -cum- 1st Additional District Judge, Nalgonda.
2. Two CD Copies
3. One Spare Copy

Kj.



HIGH COURT

DATED: 30/06/2022



DECREE

MACMA.No.490 of 2015

PARTLY ALLOWING THE MACMA WITHOUT COSTS.

(4) VLV
26/10/22