(2012) 11 AP CK 0026

In the Andhra Pradesh High Court

Case No : CMA No. 4617 of 2003

United India Insurance Co. Ltd. — APPELLANT

Vs

Mangila Ajmeera and Another — RESPONDENT

Date of Decision : 08-11-2012

Acts Referred:

Citation : (2013) 1 ALD 637 : (2013) 2 ALT 289

Hon'ble Judges : B. Chandra Kumar, J

Bench : Single Bench

Advocate : Naresh Byrapaneni, for the Appellant;

Final Decision : Dismissed

Judgement

B. Chandra Kumar, J.—This appeal has been filed by M/s. United India Insurance Company Limited, challenging the order dated 8.9.2003 passed in OP No. 144 of 2000 by the Motor Accidents Claims Tribunal-cum-District Judge, Adilabad. Learned Counsel for the appellant/ Insurance Company submitted that the claimant was an unauthorized passenger travelling in a lorry and that the Insurance Company is not liable to pay compensation to the unauthorized passengers and the Tribunal has committed an error in fastening liability on the Insurance Company. Learned Counsel had read out the contents of the FIR. The contents of the FIR go to show that the claimant boarded the lorry on 12.8.1998 at about 08:00 p.m., along with his mother and also with some goods. According to the claimant, they paid Rs. 40/- to the driver of the lorry and when they reached near Kondapur Bus Stage, the claimant questioned the driver of the lorry to return the excess amount and the driver of the lorry pushed him out the lorry and drove the lorry in a rash and negligent manner as a result of which, the left side front wheel of the lorry ran over the right ankle of the claimant. The claimant sustained injuries and claimed compensation. The learned Counsel for the appellant/Insurance Company further submits that the claimant was pushed out of the running lorry by the driver of the lorry.

2. Whether the claimant was pushed out from the running lorry or the lorry ran over his right ankle when he was on the ground, but the fact remains that the left side front wheel of the lorry ran over the right ankle of the claimant when the claimant was on the ground. Irrespective of being pushed out or getting down voluntarily from any vehicle, be it from a goods vehicle or other vehicle, the moment the legs of the claimant touches the ground, he becomes a third party. Once the claimant becomes a third party, the insurance company is certainly liable to pay compensation. I do not see any merits in the appeal. The appeal fails and is, accordingly, dismissed. There shall be no order as to costs.

