

**HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

**MAIN CASE No: MACMA.No.2898 of 2012**

**25**

**PROCEEDING SHEET**

<b><u>SL. NO.</u></b>	<b><u>DATE</u></b>	<b><u>ORDER</u></b>	<b><u>OFFICE NOTE</u></b>
.	17.10.2025	<p><b><u>AHHS, J</u></b></p> <p>Heard both sides in part.</p> <p>This appeal is filed by respondent No.2 in M.V.O.P.No.1804 of 2006 said to be the owner of offending vehicle, aggrieved by the decree and order dated 25.01.2010 passed by the learned Motor Vehicles Claims Tribunal, Visakhapatnam, where under the liability is imposed on the appellant while exonerating the Insurance Company from liability. This matter required detailed consideration on the points:</p> <ol style="list-style-type: none"><li>1) Whether the pillion rider on a motor cycle the deceased in the case, is covered by the policy in question?</li><li>2) Whether the breakage in driving license at the time of accident when the same was there prior to and subsequent to the accident for the rider of the vehicle was in force whether the same excludes the Insurance company from liability?</li></ol>	Contd.,

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		<p>The learned counsel for claimants would submit that the amount recovered through execution process against the owner of the offending vehicle before the learned Motor Vehicles Claims Tribunal, Visakhapatnam, could not be withdrawn for want of record by one of the claimants, although the other claimant could withdraw the same.</p> <p>He would also submit that in the event of disposal of the appeal in favour of the appellant, the owner of the offending vehicle, the right for indemnification will be open. Whereas the claimants are unable to realize the fruits of the award passed long back on technical aspect of want of record, though there is no stay in force.</p> <p>The learned counsel for the appellant / owner of the offending vehicle would submit that as per his last information the matter appears to have been settled and any way he require instructions of his party for submitting the merits in the case also.</p> <p>Upon considering the context of the case, and absence of the stay and necessity of record, to the learned Motor Vehicles Claims Tribunal, Visakhapatnam for proceeding with the matter as well as the pendency of this appeal, to address the issue comprehensively, the following orders</p>	

