

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 1268 of 1998

Appellant :- National Insurance Co. Ltd.

Respondent :- Km. Geeta And Others

Counsel for Appellant :- Sushil Kumar Mehrotra

Counsel for Respondent :- Dhruv Narayan Singh, Ram Ashish Pandey

Hon'ble Saral Srivastava, J.

1. Heard learned counsel for the appellant and learned counsel for the respondents.

2. The present appeal has been filed by the appellant-insurance company challenging the award dated 18.03.1998 passed by Motor Accident Claims Tribunal/3rd Additional District Judge, Etawah in M.A.C.P. No.154/1992.

3. It is submitted by learned counsel for the appellant submitted that admittedly the trolley was attached with the tractor No.U.H.K. 8619 insured with the insurance company. It is contended that the deceased was travelling in the trolley attached with the tractor and since the trolley was not insured with the appellant insurance company and further that the tractor was insured for agriculture purpose whereas it was being used for a purpose not connected with agriculture, thus, the owner has committed breach of policy, and therefore, the insurance company is not liable to pay compensation.

4. Be that as it may, the insurance company did raise a plea that the trolley was not insured with the insurance company nor it got issue framed on the point that the tractor was being used for a purpose

not connected with agriculture. In such view of the fact, the Tribunal was not expected to record any finding on the aforesaid issue.

5. For the reasons given above, the appeal lacks merit and is accordingly ***dismissed*** with no order as to costs.

Order Date :- 2.11.2023

R.S. Tiwari