

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 288 of 1996

Appellant :- The New India Assurance Co.Ltd.

Respondent :- Smt.Tilotma Pandey And Another

Counsel for Appellant :- Saurabh Srivastava

Counsel for Respondent :- V.S. Pandey,Birendra Shanker Pandey

Hon'ble Saral Srivastava,J.

1. List has been revised. Sri Saurabh Srivastava, learned counsel for the appellant is present. However, learned counsel for the respondents is not present.

2. Heard learned counsel for the appellant.

3. The present appeal has been preferred by the appellant-insurance company challenging the award dated 12.01.1996 passed by the Motor Accident Claims Tribunal, Shahjahanpur (hereinafter referred to as 'Tribunal') in M.A.C.P. No.39 of 1990 whereby the Tribunal has awarded Rs.2,23,000/- along with 9% interest as compensation to the claimants/respondents.

4. Challenging the aforesaid award, learned counsel for the appellant has contended that deceased was travelling as gratuitous passenger on the goods vehicle, and therefore, deceased was not covered under the insurance policy. Accordingly, it is submitted that Tribunal has erred in law in fastening the liability upon the appellant-insurance company to pay compensation.

5. Be that as it may, the Tribunal after appreciating the evidence on record concluded that deceased was travelling on the goods vehicle as a representative of the owner of the goods. The finding of the Tribunal in this respect is a finding of fact based upon proper appreciation of evidence on record.

6. Learned counsel for the appellant also could not demonstrate that aforesaid finding of the Tribunal is perverse.

7. In such view of the fact, this Court finds that the Tribunal has not committed any error in fixing the liability upon the appellant-insurance company to pay compensation.

8. Thus, for the reasons give above, appeal lacks merit and is hereby ***dismissed*** with no order as to costs.

Order Date :- 16.10.2023
Sattyarth