

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 603 of 1997

Appellant :- United India Insurance Company Ltd.

Respondent :- Dharendra Singh And Another

Counsel for Appellant :- Nagendra Kumar Srivastava

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the appellant-insurance company challenging the award dated 19.04.1997 passed by Motor Accident Claims Tribunal/XIIth A.D.J., Meerut in M.A.C.P. No.314 of 1993.
3. Challenging the award, learned counsel for the appellant has contended that the Tribunal has erred in law in holding that the driver of the offending vehicle was holding valid driving licence. It is contended that a verification report in respect to the driving licence of the driver of offending vehicle was filed which showed that original driving licence was fake and the same was proved by the appellant by producing DW-1 officer of the Transport Office. It is further contended that the Tribunal illegally held that the driving licence of the driver was valid as the driving licence of the driver was renewed subsequently. It is lastly submitted that it is a case of injury and compensation awarded by the Tribunal is excessive.
4. Be that as it may, the Tribunal in concluding that the driver of the offending vehicle was holding valid driving licence recorded a categorical finding that DW-1 did not bring the correct register, and therefore, the register which has been brought by DW-1 to

prove that driving licence was not valid cannot be relied upon to conclude that the driving licence of the driver was fake. The Tribunal has in detail recorded the finding after appreciating evidence on record on the issue of driving licence. This Court has perused the finding and finds that the finding of the Tribunal on the issue of driving licence is a finding of fact. Learned counsel for the appellant despite his best endeavor could not demonstrate that the said finding is perverse.

5. The submission of learned counsel for the appellant with regard to award of higher compensation has not got force. It is a case of amputation of right leg of the claimant and the Tribunal has not awarded any amount towards future prospect and had the Tribunal awarded any amount towards future prospect to the claimant, the amount of compensation would have been same. In such view of the fact, this Court is not inclined to interfere with the impugned award.

6. For the reasons given above, the appeal lacks merit and is accordingly ***dismissed***.

Order Date :- 19.10.2023

R.S. Tiwari