

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 472 of 1996

Appellant :- New India Assurance Company Mainpuri

Respondent :- Smt. Sheela Devi And Others

Counsel for Appellant :- Pradeep Kumar, Arun Kumar Shukla

Counsel for Respondent :- R.K. Rathore, S.K. Mishra

Hon'ble Saral Srivastava, J.

1. List has been revised. 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 02.03.1996 passed by the Motor Accident Claims Tribunal/IVth Additional District Judge, Mainpuri (hereinafter referred to as 'Tribunal') in M.A.C.P. No.184 of 1994 whereby the Tribunal has awarded Rs.1,49,000/- along with 12% interest as compensation to the claimants/respondents.

4. Challenging the aforesaid award, learned counsel for the appellant has contended that driver of offending vehicle i.e. Tractor No.U.P.-84-6139 was not holding a valid driving licence at the time of the accident. It is submitted that on verification of the driving licence of the driver of the offending vehicle, it was found that driving licence was fake, and thus, Tribunal has erred in law in deciding the issue of driving licence against the appellant-insurance company and not granting right of recovery to the appellant-insurance company.

5. Be that as it may, the insurance company though has filed verification report of the transport authority, but it was not proved in accordance with law. Since the verification report on which reliance has been placed by the learned counsel for the appellant to contend that driving licence of the driver of offending vehicle was fake was not proved in accordance with law, therefore, this Court does not find any error in the finding of the Tribunal on the issue of driving licence.

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

Order Date :- 16.10.2023
Sattyarth