

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 551 of 1997

Appellant :- The New India Assurance Company Ltd.

Respondent :- Smt. Maya Devi And Others

Counsel for Appellant :- Vinod Swarup

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
2. The present appeal has been filed by the appellant challenging the award dated 11.04.1997 passed by Motor Accident Claims Tribunal/Special Judge Orai, District Jalaun in in M.A.C.P. No.245 of 1988.
3. Challenging the said award, learned counsel for the appellant has contended that the Tribunal has erred in law in recording a finding that the deceased was covered under the insurance policy. It is contended that the deceased was travelling on truck No. U.H.H-1947 (hereinafter referred to as the 'truck in question') which met with an accident. It is further submitted that the truck was a goods carrying vehicle and no premium had been made covering risk of the passenger on the truck. It is submitted that there are evidence on record which establishes that the deceased was travelling as passenger on the truck in question and no premium had been paid covering the risk of passenger of the truck, therefore, the appellant Insurance Company cannot be made liable to pay compensation.
4. Be that as it may, the Tribunal after considering the submission with regard to coverage of the deceased under the Insurance Policy deliberated that as per the insurance policy, the premium of

passenger was also paid, and accordingly, the Tribunal found that since the premium of the passenger was paid, therefore, the Insurance Company cannot escape from its liability to pay compensation. The finding of the Tribunal is based upon proper appreciation of evidence on record, and thus, is not liable to be interfered with by this Court in appeal.

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

Order Date :- 3.11.2023

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