

Court No. - 8

Case :- FIRST APPEAL FROM ORDER No. - 657 of 2002

Appellant :- Union Of India Thru G.M. N.E. Railway Gorakhpur And 2 Ors.

Respondent :- Smt. Lehaja And 5 Ors.

Counsel for Appellant :- Anil Srivastava, Mahendra Kumar Misra

Counsel for Respondent :- Hari Om Singh, Km. Veena Gupta

Hon'ble Ajay Bhanot, J.

Heard Sri Mehendra Kumar Mishra, learned counsel for the appellants.

This first appeal from order arises out of the judgment and award dated 29.08.2002 passed by the Motor Accident Claims Tribunal-cum- Additional District and Sessions Judge, Court No. 5, Sitapur in MACT Claim Case No. 158 of 1996 (Smt. Lehaja and others Versus Akil Ahmad and others) partly allowed the claim of the claimants-respondents and awarding a sum of Rs.39,000/- along with interest of 9% per annum in favour of the claimants-respondents and against the appellants.

Learned Tribunal in the impugned award has found as a matter of fact that part of the blame for the accident was also liable to be fastened upon the driver of the appellants as he failed to take measures to prevent the accident by stopping the truck. The major role in the accident though was attributed to the driver of the offending truck registered as UP 78 B-5011 (who is not in appeal

here). The liability of 30% imposed upon the appellants in these facts is neither excessive nor seems to be inappropriate in the proven facts of this case. No perversity in the findings of the learned tribunal was pointed out during the arguments or established from the records.

The findings of the learned Tribunal do not warrant any interference.

The appeal is accordingly, dismissed.

Order Date :- 10.8.2023

Arun