

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

C.M.A. No.2648 of 2004

JUDGMENT:

This appeal is filed by the second respondent-insurance company in O.P.No.126 of 1998 on the file of Motor Accidents Claims Tribunal-cum-II Additional District Judge Madanapalle (for short, 'the Tribunal').

The respondent Nos. 1 to 4 herein filed the claim petition claiming compensation of Rs.1,00,000/- for the death of the husband of first respondent in a motor vehicle accident that occurred on 02.01.1997. The Tribunal, on the basis of the evidence, held that the accident was occurred due to rash and negligent driving of the driver of the tractor, who is none other than the deceased. The Tribunal awarded an amount of Rs.1,00,000/- by its Award dt. 09.05.2003 making both the respondents jointly and severally liable to pay the compensation.

The present appeal is preferred by the second respondent-insurance company on the ground that the deceased was not having a valid driving license on the date of accident. The said plea was considered by the Tribunal and based on the decision of this Court reported in ***United Indian Insurance Company Limited v. Lakshmaiah and others***^[1], it was held that the second respondent is also liable to pay the compensation along with first respondent. The relevant observations of the Tribunal are as follows:

“ The objection of the 2nd respondent is that the deceased was not having driving license at the time of the alleged said accident. In order to prove their contention, it has got examined RW.1 and RW.2. RW.2 is the Motor Vehicle Inspector, he has

stated that he had inspected the tractor bearing Reg. No. AP 03 B 5662 and as per his report the driver of the said tractor by name B. Venkatramana (deceased herein) was not having driving licence and he got mentioned the same in Col.No.15 of his report, which is marked as Ex.B.3. Though RW.2 has stated that the deceased had no valid driving licence as on the date of accident, he is not able to say basing on what information he could say that the deceased had no valid driving licence as on the date of accident. It is an admitted fact that 2nd respondent has not summoned the record from the RTO's Office to prove that the driver (the deceased herein) had no valid driving licence as on the date of accident".

In view of the facts recorded by the Tribunal and in the absence of the proof of possessing valid driving license by the deceased as on the date of accident by the second respondent, this Court is not inclined to interfere with the finding recorded by the Tribunal making the second respondent also liable to pay the compensation.

The appeal is accordingly dismissed. No order as to costs.

Miscellaneous Petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

09.02.2016

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[\[1\]](#) 2000(3) ALT 298