

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A.No.1577 OF 2009

JUDGMENT:

The present appeal is preferred by respondent No.2 - Insurance Company in O.P.No.43 of 2004 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Nellore, assailing the order and decree, dated 05.03.2007, in the said O.P, whereby and whereunder, compensation of Rs.75,500/- was granted as against the claim of Rs.2,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 for the injuries sustained by the claimant-respondent No.1 herein, on the main ground that the policy does not cover the risk of the claimant.

2. Heard Sri N.Mohan Krishna, learned counsel for the appellant. No representation for respondent No.1. Respondent No.2 is a proforma party.

3. Learned counsel for the appellant, having gone through the contents of Ex.B1 – copy of the Insurance Policy, concedes that a sum of Rs.100/- was paid towards Compulsory PA to owner-cum-driver and, therefore, the appellant cannot seek to set aside the order and decree under challenge on the ground that the policy does not cover the risk of the claimant, who is respondent No.1 herein.

4. The policy under Ex.B1 clearly shows the collection of Rs.100/- towards Compulsory PA for the owner-cum-driver. Admittedly,

respondent No.1 is owner of the auto, which he was driving at the relevant time. Therefore, there is no merit in the present appeal.

5. Accordingly, the appeal is dismissed confirming the order and decree passed by the Tribunal. There shall be no order as to costs.

6. As a sequel, miscellaneous applications, if any pending in the instant appeal, stand closed.

A. SHANKAR NARAYANA, J

13th October, 2016
v v

