

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A.No.1020 OF 2005

JUDGMENT:

This appeal is preferred by the 2nd respondent-Insurance Company in O.P.No.554 of 1998 on the file of Motor Accidents Claims Tribunal-cum-III Additional District and Sessions Judge, (FTC), Mahaboobnagar at Gadwal filed by respondents 1 and 2 herein.

The 2nd respondent died even during pendency of the O.P. before the Tribunal. So far as the 1st respondent is concerned, she was alone the claimant in the said O.P and she claimed compensation of Rs.65,000/- for the death of one K.Nagaraju. It was alleged in the petition that on 21.02.1998 at about 04.00PM when the deceased Nagaraju and his brother K.Swamulu were going to the fields on a bicycle from their village Undavelli and when they reached near VST company at Kyatoor Cross Roads a lorry bearing No.APQ 3255 being driven by its driver in a rash and negligent manner came in opposite direction and hit the cycle. In the said accident, Nagaraju sustained severe injuries and succumbed to injuries while undergoing treatment in Government General Hospital, Kurnool on 22.02.1998.

The 2nd respondent-Insurance Company filed a counter before the Tribunal specifically stating that the driving license of the driver of the lorry was not subsisting. On the basis of evidence, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the lorry and also considered the plea of the 2nd respondent-insurance company with regard to the license held by the driver. The 2nd respondent summoned the RTO for causing production of copy of the driving license and as per the records the driving license issued in licence No.379 is in the name of Abdul Sattar. Whereas the driving license No.339/68 stands in the name of S.Murthuja. As per MVA report in the driving license No.379/68, the name of the Driver is noted as Abdul

Sattar. Taking the said facts into consideration, the Tribunal held that the driver of the lorry bearing No.APQ3255 was having valid and subsisting driving license as on the date of occurrence of the accident. Accordingly, passed an award for an amount of Rs.65,000/- against respondents 1 and 2. Challenging the said award dated 16.02.2005, this appeal is preferred by the insurance company alleging that the driver of the vehicle was not having valid and subsisting license as on the date of the said accident. In view of the documentary evidence adduced before the Tribunal, the Tribunal has given a finding that the driver, Abdul Sattar was having a valid driving license. When the driver of the vehicle was having valid driving license, the present appeal is misconceived and is liable to be dismissed.

Accordingly, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

DATE 11.02.2016

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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DATED: 11.02.2016

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