

SMT JUSTICE T. RAJANI

M.A.C.M.A. No.1123 of 2008

JUDGMENT:

This appeal is preferred by the appellant, who is the claimant before the Court below, assailing the judgment of the VIII Additional District & Sessions Judge, Guntur in M.V.O.P. No.799 of 2005 dated 25.01.2008 on the ground that the lower Court exonerated the Insurance Company by considering that the driver of the vehicle did not have valid driving licence.

2. Heard both the counsel.

3. A perusal of the award shows that the claimant himself says that he is the owner of the vehicle and also driver of the vehicle as on the date of accident. However, the Court below awarded Rs.3,00,000/- but dismissed the claim against the Insurance Company considering that the driver was not having valid driving licence.

4. The lower Court observed that the claim petition is one under Section 163-A of Motor Vehicles Act and negligence need not be proved and even if it is to be considered as a petition under Section 166 of M.V Act, as there is no contra evidence and the evidence of PW.1 has to be accepted. But when the driver himself is the claimant and when the accident is the result of his own

negligence and when he does not hold valid driving licence, there cannot be any reason with which liability can be fixed on Insurance Company. Hence, I find no merits in this appeal.

Accordingly, the appeal is dismissed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

T. RAJANI, J

Date:05.10.2017
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