

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

M.A.C.M.A.No.2160 of 2005

JUDGMENT:

Heard and perused the material available before this Court.

The third respondent-insurance company in O.P.No.185 of 2002, filed by the respondent Nos.1 to 4 herein, on the file of the Motor Vehicles Accidents Claims Tribunal-cum-V Additional District Judge, West Godavari at Eluru, filed the present appeal under Section 173 of the Motor Vehicles Act 1988 (for brevity, 'the Act').

The husband of the first respondent and the father of the respondents Nos.2 to 4 lost his life in a road accident which took place on 21.10.2001 when the auto bearing No.A.P.16 X 220, driven by the first respondent, dashed against him. The claimants/respondent Nos.1 to 4 herein claimed a sum of Rs.3,00,000/- and the Tribunal, by virtue of the impugned award, granted a sum of Rs.1,67,480/- towards compensation and Rs.15,000/- towards loss of consortium.

The above said award passed by the Tribunal is under challenge in the present appeal. According to the appellant, the impugned award is erroneous, contrary to law and is opposed to the very spirit and object of the provisions of Section 166 of the Act and the rules framed thereunder. It is further submitted that the driver of the vehicle was not having a valid driving licence as on the date of the accident, as such, the Tribunal grossly erred in granting the compensation.

On the contrary, it is the case of the respondents herein that there is absolutely no illegality nor there exists any infirmity in the

impugned award and no interference of this Court is warranted under Section 173 of the Act.

In the above background, the issue that emerges for consideration before this Court is whether the award passed by the Tribunal, which is impugned in the present appeal, is in accordance with law or whether the same warrants any interference of this Court under Section 173 of the Act?.

On behalf of the claimants, the first claimant, who is the wife of the deceased, was examined as P.W.1 and P.W.2 was also examined and Exs.P1 to P5 were marked on behalf of the claimants. On the other hand, on behalf of the respondents before the Tribunal, R.Ws.1 and 2 were examined and Exs.B1 to B3 were marked.

P.W.2, the eye witness to the accident, in his evidence categorically stated that the accident occurred due to the rash and negligent driving of the auto driver (first respondent in the O.P.) and the fact remains that nothing could be elicited from the evidence of P.Ws.1 and 2 to show that there was no rash and negligent driving on the part of the driver of the vehicle. This Court also does not find any valid reason to discredit the evidence of P.W.2, who witnessed the accident. Another significant aspect, which is to be mentioned in this context, is that, as per Ex.B3-driving licence, R.W.1-Senior Assistant in the R.T.O.office, Eluru, categorically admitted that by the time of the accident the driving licence issued in favour of the driver of the offending vehicle was in force. Obviously, taking into account all the above aspects, and while recording cogent and convincing reasons, the Tribunal awarded the amount in favour of the claimants. In fact, the

respondents herein could not point out any perversity in the impugned award. In the absence of the same, this Court is not inclined to meddle with the well-articulated award passed by the Tribunal.

For the aforesaid reasons, the appeal is dismissed. Miscellaneous Petitions pending, if any, in this appeal, shall stand closed. There shall be no order as to costs.

22nd November, 2017
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A.V.SESHA SAI,J

