

HON' BLE SMT JUSTICE T. RAJANI

M.A.C.M.A. No. 1078 of 2008

JUDGMENT:-

This appeal is preferred by the appellant-Insurance Company questioning the judgment of II Additional District Judge, Ranga Reddy District in O.P.No. 763 of 1996 dated 29.06.2000 on the ground that the judgment is erroneous to the extent of fixing liability on the appellant in spite of the fact that the driver of the crime vehicle was not having valid driving licence. The other grounds urged in the grounds of appeal are not pressed.

Heard the learned counsel for the appellant.

The learned counsel for the 2nd respondent remained absent.

The learned for the appellant is not in a position to make any submission as to why the reason given by the lower Court in fixing liability on the appellant is not correct. The lower Court observed that the appellant did not examine anybody in order to support his contention that the driver of the crime vehicle did not have valid driving licence. It cannot be denied at this stage that there was no evidence adduced by the appellant and the learned counsel for the appellant fairly admits that no such evidence was brought forth before the Court below.

The contention of the appellant's counsel as regards the interest of 12%p.a. also is not considered for the reason that the interest granted by the lower Court at that time must have been on par with the rate of interest of the nationalized banks.

Hence, in the above circumstances, there cannot be any other option for this Court except to dismiss the appeal.

Accordingly, the appeal is dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

24.08.2017

bcj



T. RAJANI, J