

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

MACMA No.1505 of 2005

JUDGMENT:

There is no representation for appellant/insurer.

Heard learned counsel for respondent/claimant and perused the record.

Learned counsel for the respondent/claimant would submit that the respondent/claimant claimed compensation of Rs.1,00,000/- but the Tribunal had granted an amount of Rs.43,000/- towards compensation. The Tribunal relying on a decision reported in **New India Assurance Company Limited v. Doredla Satyanarayana and others**¹ granted compensation in favour of the claimant, owner of Car bearing No.AP04 C 4730, holding that the claimant was **not** driving the Car and the Car was driven by a driver.

This appeal is filed stating that the respondent/claimant is the owner of the Car and there is no coverage of risk of the owner of the Car under Ex.B.1 – copy of policy of insurance. R.W.1 was examined to substantiate the same.

As seen from the policy of insurance, an amount of Rs.6,280/- was paid towards premium, the risk of the driver is

¹ 1998 ACJ 952

covered and the insurance was for unlimited amount. The Tribunal while dealing with this aspect had analyzed the evidence and the documents on record and recorded a finding that the claimant was not driving the Car and the Car was driven by a driver. Similar is the situation in **Doredla Satyanarayana** supra wherein the owner was travelling in a goods vehicle and the insurer was made liable to pay compensation as there was evidence to believe that the deceased was not driving the vehicle. The decision in **Doredla Satyanarayana** supra applies to the case on hand. The findings of the Tribunal are based on record and evidence and there is nothing to take a different view.

Therefore, the order, dated 03.09.2004 in M.V.O.P.No.946 of 2000 is confirmed and this appeal is dismissed.

Pending miscellaneous applications, if any, shall stand dismissed in consequence. No order as to costs.

Dr. SHAMEEM AKTHER, J

9th OCTOBER, 2017.

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