

HONOURABLE Dr. JUSTICE SHAMEER AKTHER

M.A.C.M.A.No.555 OF 2006

JUDGMENT:

This appeal is filed by the appellant-United India Insurance Company aggrieved by the order/award in M.V.O.P.No.108 of 1998 on the file of Motor Accidents Claims Tribunal-cum-I Additional District Judge, Ongole (*for short, 'Tribunal'*) awarding compensation of Rs.4,00,000/-.

When the matter was called on 23.11.2016, the learned counsel for the appellant absent and there is no representation. Hence, the matter was posted to 25.11.2016 under the caption "for dismissal." Again, the matter is called today and there is no representation. Therefore, this Court is of the opinion to dispose of the appeal on merits.

There is record to show that the first claimant said to have suffered grievous injuries in a motor accident while returning from Sabarimala in a jeep bearing No.TN.07-D-1980 on 17.12.1997 and the jeep was completely damaged.

To substantiate his claim, the injured claimant examined one witness as PW-1 and got marked Exs:A-1 to A-7 and on behalf of the respondents, Ex.B-1 copy of the policy of the United India Insurance Company Limited was marked. Perusal of the evidence of PW-1 and the said documents reveals that the jeep bearing No.TN.07-D-1980 is validly insured with the appellant-respondent and the injured claimant suffered injuries as exhibited in Ex.A-3. The criminal record reveals negligence on the part of the driver of the jeep bearing No.TN.07-D-1980 at the time of the accident. The Tribunal while determining the issues regarding negligence and insurance came to the conclusion that there was negligence on the part of the driver of the jeep and there was valid insurance under Ex.B-1. The Tribunal after examining the injuries suffered by the claimant and the documents marked, awarded a compensation of Rs.4,00,000/-. The

Tribunal has given elaborate reasons to tag the liability on the appellant-insurance company. Further, the findings are supported by the evidence of PW-1 and documentary evidence produced before the Tribunal. Hence, there is nothing to take a different view. Under these circumstances, the appeal is liable to be dismissed.

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

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

Date: 20-01-2017
CCM

Dr. SHAMEEM AKTHER, J



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