

THE HON'BLE SMT JUSTICE T.RAJANI

M.A.C.M.A.NO.919 OF 2006

JUDGMENT:

This appeal is preferred by the appellant, who is the 2nd respondent-Oriental Insurance Company before the Court below assailing the judgment of the Chairman, Motor Accident Claims Tribunal-cum-Principal District Judge, Cuddapah, dated 03-01-2006 in M.V.O.P.No.528 of 2002 on the grounds that the Court below failed to see that the deceased is unauthorized passenger in a transport goods vehicle and failed to exonerate the Insurance Company.

2. Heard both counsel.

3. At the hearing, the counsel for the appellant makes a mere oral contention that the deceased was an unauthorized passenger in the vehicle and hence, the Insurance Company has to be exonerated. The counsel for the respondents on the other hand, contends that the said contention of the appellant counsel is controverted by the evidence of P.W.3, who categorically stated that the deceased was traveling as a cooly in the crime vehicle. The appellant counsel does not contend that such category of persons is excluded from the coverage of insurance policy. There is no contra evidence to the evidence of P.W.3 in this case, who is no other than the cleaner of the lorry. Hence, the short question whether the deceased was traveling as an unauthorized passenger stands answered by the evidence of P.W.3, which is not controverted by the appellant herein. Therefore, the appeal is liable to be dismissed.

4. Accordingly, this appeal is dismissed. No order as to costs. Miscellaneous petitions, if any pending, in this appeal shall stand closed.

T.RAJANI, J

DATED: 28-07-2017.

Hsd