

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

MACMA.No.1432 of 2009

JUDGMENT:

This appeal is arising out of order, dated 21.11.2006, in MVOP.No.84 of 2006 on the file of the Motor Accident Claims Tribunal, Warangal (for short 'the Tribunal').

The appellant is the insurance company, who is respondent No.2 in the aforesaid MVOP. Respondent No.1 is the claimant who filed the Claim Petition under Section-166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.80,000/- on account of the injuries suffered by him in a motor vehicle accident that occurred on 21.7.2005. The Tribunal on consideration of the claim, awarded compensation of Rs.27,500/- with interest at 7.5% per annum from the date of the petition till realisation.

Heard the arguments of Sri Katta Laxmi Prasad, learned Standing Counsel for the appellant, and Sri A.R.Seshagiri Rao, learned counsel for respondent No.1/claimant. None appeared on behalf of respondent No.2.

Learned Standing Counsel for the appellant submits that the driver of the crime vehicle had no valid driving license by the date of the accident and therefore, there is violation of terms and conditions of insurance policy-Ex.B-1.

Learned counsel for respondent No.1/claimant submits that the appellant has not produced any evidence nor filed any documents before the Tribunal to show that the driver of the crime vehicle was not possessing valid driving license by the date of the accident.

The findings of the Tribunal with regard to the rash and negligence on the part of the driver of the crime vehicle in causing the accident is not in dispute.

It is obvious that the appellant has not taken any steps to prove that the driver of the crime vehicle was not possessing valid driving license by the date of the accident.

It is pertinent to note that the Tribunal has given categorical finding that Ex.B-1-insurance policy was in force by the date of accident and held that respondent Nos.1 and 2 are jointly and severally liable to pay the compensation. Therefore, there is no force in the contention raised by the learned counsel for the appellant with regard to violation of terms and conditions of Ex.B-1-insurance policy.

Learned Standing Counsel for the appellant further submits that the quantum of compensation awarded by the Tribunal is excessive. But, no material is placed on record to show that the compensation awarded by the Tribunal is excessive.

This is a case of injuries suffered by respondent No.1 in a motor vehicle accident. As per Ex.A-2-Injury Certificate, he suffered two fractures, i.e., fracture of left foot and right hand apart from lacerated injury over the right palm.

The Tribunal on consideration of the evidence of P.W-1 and the documents has assessed the compensation and granted Rs.19,000/- for the injuries, Rs.4,000/- towards attendant charges, Rs.4,000/- towards loss of earnings and Rs.500/- for medical bills, totalling to Rs.27,500/-.

Having regard to the facts and circumstances of the case, this Court is of the opinion that there are no merits in the appeal and the appeal is, accordingly, dismissed. The appellant is directed to deposit the compensation amount, if not already deposited, within one month from the date of receipt of a copy of this order. On such deposit, respondent No.1-claimant is entitled to withdraw the same without furnishing any security.

JUSTICE GUDISEVA SHYAM PRASAD

22nd June, 2018

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