

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1827 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, ('the Act', for brevity), is filed by the appellant-the New India Assurance Company Limited, challenging the order, dated 21.12.2004, passed in M.V.O.P.No.583 of 2001 by the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC), Cuddapah ('the Tribunal', for brevity).

2. Heard the learned counsel for both the sides and perused the record.

3. The learned Standing Counsel for the appellant-Insurance Company would contend that the Tribunal granted excessive compensation. The driver of the offending vehicle violated the terms and conditions of the policy of insurance. There was no endorsement on the driving licence of the driver of the offending vehicle permitting him to drive transport vehicles and ultimately prayed to set aside the Order under challenge by allowing the appeal.

4. On the other hand, the learned counsel for the 1st respondent-claimant would contend that the Tribunal is justified in granting compensation of Rs.25,000/- in favour of the 1st respondent-claimant as against a claim of Rs.1,00,000/-. There is no violation of terms and conditions of the policy of insurance. The driver of the offending vehicle was having valid driving licence to drive the offending vehicle as on the date of subject accident and ultimately prayed to dismiss the appeal by confirming the Order under challenge.

5. In view of the submissions of both the learned counsel, the only point that arises for consideration in this appeal is whether the impugned order is liable to be set aside on the ground that there was no endorsement on the driving licence of the driver of the offending vehicle permitting him to drive transport vehicles?

6. Admittedly, the driver of the offending vehicle bearing registration No.AP-04-7277 was having valid driving licence to drive auto, as on the date of subject accident. The offending vehicle is Auto. Merely because there is no endorsement on the driving licence of the driver of the offending vehicle permitting him to drive transport vehicles, the appellant-insurance company cannot be absolved from its liability to pay compensation to the 1st respondent-claimant. As far as the quantum of compensation is concerned, the Tribunal, after analysing the entire evidence on record in right perspective, granted a compensation of Rs.25,000/- with interest @ 9% per annum from the date of petition till realisation, which is just and reasonable in the facts and circumstances of the case. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

7. In the result, the appeal is dismissed. No costs.

Miscellaneous Petitions pending, if any, shall stand closed.

20th July, 2018
Bvv

Dr. SHAMEEM AKTHER, J