

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3715 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/the New India Assurance Company Limited, aggrieved by the grant of compensation of Rs.50,000/- under no fault liability together with costs and interest at 9% per annum from the date of petition till the date of realisation, to respondent Nos.1 to 3/claimants, by the learned Chairman, Motor Accident Claims Tribunal – cum – Principal District Judge at Khammam (for short, “the Tribunal”) *vide* order, dated 02.03.2005, passed in M.V.O.P.No.598 of 2003.

2. Heard the learned Standing Counsel for the appellant/Insurance Company. Though the matter is posted under the caption “For Orders”, there is no representation for respondent Nos.1 to 3/claimants. This appeal is of the year 2005. Hence, this appeal can be disposed of on merits basing on the material available on record. Perused the material available on record.

3. Learned Standing Counsel for the appellant/Insurance Company would contend that the driver of the offending bus bearing No.AP 20 U 3339 was not having valid driving licence as on the date of accident i.e., on 22.12.2001 and there is evidence of R.W.1 to that effect; that the Tribunal erroneously granted the compensation of Rs.50,000/- under no fault liability; that the rate of interest awarded by the Tribunal is also excessive and

ultimately, prayed to set aside the impugned order and allow the appeal.

4. Though the appellant/Insurance Company contended that the claimants did not lead cogent and convincing evidence to establish that the driver of the offending bus bearing No.AP 20 U 3339 was possessing valid driving license as on the date of accident. The said driver was possessing driving license as on the date of accident and the same is evident from Ex.B-2 – certificate of driving licence particulars. Further, there is no violation of the terms and conditions of the policy of insurance, as contended by the learned Standing Counsel for the appellant. The compensation awarded by the Tribunal under no fault liability is only Rs.50,000/-. The Tribunal has also relied on number of decisions in tagging the liability against the appellant/Insurance Company. Under these circumstances, there is nothing to take a different view. The impugned order is confirmed. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, this appeal is dismissed. There shall be no order as to costs.

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

DR.JUSTICE SHAMEEM AKTHER

Date : 11.10.2018
AMD

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