

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1362 OF 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 30.07.2005 in M.V.O.P.No.770 of 2002 on the file of the Motor Accident Claims Tribunal-cum-IX Additional District Judge, Guntur (for short, 'the Tribunal').

2. Heard the learned counsel for the appellant-Insurance Company and perused the record. No representation for the respondent-claimant. This appeal is of the year 2006. Hence, it can be disposed of on merits.

3. Learned counsel for the appellant-Insurance Company would contend that the respondent-claimant is a gratuitous passenger in mini-lorry bearing registration No.ATG 81. The Tribunal erroneously fastened the liability against the appellant-Insurance Company and ultimately prayed to set aside the order passed against the Insurance Company.

4. There is no dispute with regard to the respondent-claimant suffering injuries in a motor accident that occurred on 04.07.2002 due to the rash and negligent driving of the driver of the mini-lorry bearing registration No.ATG 81.

5. The Tribunal while dealing with the subject matter of the claim petition held that the premium of Rs.15/- was collected for employees of the vehicle and another Rs.15/- was collected for legal liability to passenger. The Tribunal held that the owner

had violated the terms and conditions of Ex.B1-policy and ultimately assessed the compensation payable at Rs.25,000/- and awarded the same with interest @ 6% per annum with a direction to the appellant-Insurance Company to pay at the first instance and recover the same from the owner of the offending vehicle. Since there is violation of conditions of Ex.B1-policy, no infirmity is found in the order under challenge in directing so. Hence, the appeal is devoid of merit and is liable to be dismissed.

6. The appeal is dismissed accordingly.

The Miscellaneous Petitions, if any, pending shall stand closed. There shall be no order as to costs.

Date: 16.07.2018
ssp

Dr. SHAMEEM AKTHER, J

