

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3152 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-the National Insurance Company Limited, challenging the Judgment, dated 21.07.2005, passed in M.V.O.P.No.609 of 2002, by the Chairman, Motor Accident Claims Tribunal-cum-VIII Additional District Judge (FTC), East Godavari District at Amalapuram ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned Standing Counsel for the appellant-Insurance company would contend that the driving licence of the driver of the offending Tractor bearing registration No.ADP-1082 was not in force as on the date of the subject accident. His driving licence was renewed subsequent to the occurrence of the subject accident. Since the subject accident occurred in the interregnum period of expiry and renewal of the driving licence of the driver of the offending tractor, the appellant-Insurance Company is not liable to pay the compensation to the claimant and ultimately, prayed to allow the appeal by dismissing the claim against the appellant-Insurance Company.

4. On the other hand, learned counsel for the 1st respondent-claimant would contend that the Tribunal elaborately dealt with the aspect of validity of the driving licence of the driver of the offending Tractor and ultimately held that the driving licence of the driver of the offending tractor is deemed to be renewed even by the date of the subject accident. There are no circumstances to interfere with the

impugned order of the Tribunal and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. It is not in dispute that the 1st respondent-claimant sustained injuries in the subject accident occurred on 26.06.2001 due to rash and negligent driving of the driver of the tractor bearing registration No.ADP-1082. The point that arises for determination in this appeal is whether the impugned order passed by the Tribunal tagging liability on appellant/insurer is sustainable/liable to be set aside in this appeal.

6. The Tribunal assigned reasons, examined the entire medical record and rightly granted the compensation.

7. With regard to the aspect of validity of the driving licence of the driver of the offending tractor bearing registration No.ADP-1082 as on the date of accident is concerned, in several cases, it has been held that if an accident occurs in the interregnum period of expiry of driving licence and its renewal, it was valid, so the owner of the offending vehicle as well as its insurer are liable to pay the compensation to the claimants. The findings of the Tribunal on this aspect are not perverse. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

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

Pending miscellaneous petitions, if any, shall stand closed.

Dr. SHAMEEM AKTHER, J

AUGUST 31 2018

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Date:31.08.2018

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