

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3674 of 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), is filed by the appellant-United India Insurance Company Limited, challenging the order, dated 15.11.2000, passed in O.P.No.427 of 1999 by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, Warangal ('the Tribunal', for brevity).

2. Heard both sides. Perused the record.

3. The learned counsel for the appellant-Insurance Company would contend that the appellant-Insurance Company conducted a private investigation with regard to the subject accident, which revealed that the 1st respondent/claimant is one of the partners of M/s.Shiva Agencies (2nd respondent herein), who is the owner of the offending Auto-trolley bearing registration No.AP-36-U-1862. There is no coverage of risk of the 1st respondent/claimant under Ex.A.9-Copy of Insurance Policy. The Tribunal erroneously awarded compensation against the appellant-Insurance Company and ultimately prayed to allow the appeal by setting aside the order under challenge.

4. On the other hand, the learned counsel for the 1st respondent/claimant would contend that there is no evidence whatsoever to the effect that the 1st respondent/claimant is a partner of M/s.Shiva Agencies, which is the owner of the

offending Auto-trolley bearing registration No.AP-36-U-1862. The Tribunal had taken all the relevant factors into consideration and rightly tagged liability against the appellant-Insurance Company. There are no circumstances to interfere with the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

5. As rightly contended by the learned counsel for the 1st respondent/claimant, there is iota of evidence to substantiate that the 1st respondent/claimant is a partner of M/s.Shiva Agencies, which is the owner of the offending Auto-trolley bearing registration No.AP-36-U-1862. In the absence of the same, none of the contentions raised on behalf of the appellant-Insurance Company merit consideration. There are no circumstances to interfere with the impugned order. The appeal is devoid of merit and is liable to be dismissed.

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

Miscellaneous Petitions pending, if any, shall stand closed.

10th September, 2018
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Dr. SHAMEEM AKTHER, J