THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1504 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-claimant aggrieved by the order dated 03.03.2005 in M.V.O.P.No.1273 of 2003 on the file of the Motor Accident Claims Tribunal-cum-X Additional District Judge (Fast Track Court), Visakhapatnam at Anakapalli (for short 'the Tribunal').

2. Heard the learned counsel for appellant-claimant, the learned counsel for respondent No.2-Insurance Company, the learned counsel for respondent Nos.3 to 5 and perused the record.

3. Learned counsel for the appellant-claimant would contend that the compensation granted by the Tribunal is meagre. Though the appellant suffered grievous injuries, the Tribunal had not properly analysed the medical evidence on record and also validity of Ex.A5-copy of insurance policy and erroneously dismissed the claim against the Insurance Company and ultimately prayed to enhance the compensation and fasten the liability against respondent No.2-Insurance Company.

4. Learned counsel for respondent No.2-Insurance Company would contend that there was no valid insurance on the date of occurrence of accident. The Tribunal rightly held that there was no valid insurance on the date of accident. There is nothing to take a different view and ultimately prayed to dismiss the appeal.

5. Learned counsel for respondent Nos.3 to 5 also contended that the Tribunal justified in granting compensation of Rs.15,000/- to the appellant. There are no circumstances and grounds to enhance the compensation and ultimately prayed to dismiss the appeal.

6. There is no dispute with regard to the appellant-claimant suffering injuries in a motor accident occurred on 17.01.2003 due to the rash and negligent driving of the driver of TVS Moped bearing registration No.AP 31 264. The only dispute is with regard to quantum of compensation and fastening liability on insurance company.

7. As seen from the evidence on record, the appellant is suffering with dislocation of right wrist and also injury to his leg. The Tribunal held that there is no valid insurance to the offending vehicle bearing No.AP-31-264 on the date of accident. The Tribunal analysed the entire oral and documentary evidence with regard to assessment and award of compensation of Rs.15,000/-. There is no infirmity and there is nothing to take a different view. The same is liable to be confirmed.

8. As far as validity of the insurance policy is concerned, the Tribunal elaborately dealt with Ex.A5-copy of insurance policy and held that there is no valid insurance on the date of accident. It is contended that under Ex.A5-copy of Insurance policy, it is mentioned that it is valid from 22.11.1996 to 17.01.2003. No such type of policy is being issued by any Insurance Companies in India. Therefore, the Tribunal held that there is no valid insurance. The Tribunal justified in giving such finding. The appeal is devoid of merit and is liable to be dismissed.

9. In the result, the appeal is dismissed.

The Miscellaneous Petitions, if any, pending shall stand closed. No costs.

Dr. SHAMEEM AKTHER, J

Date: 27.07.2018
ssp