

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.3076 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 15.09.2005 in O.P.No.703 of 2002 on the file of the Chairman, Motor Accident Claims Tribunal-cum-District Judge, Adilabad (for short, 'the Tribunal'), whereby compensation of Rs.20,000/- was granted to the appellant-claimant.

2. Heard the learned counsel for the appellant-claimant, the learned Standing Counsel for the National Insurance Company Limited representing the 2nd respondent and perused the record. The appeal against respondent No.1-owner was dismissed on 06.01.2012 for default.

3. Learned counsel for the appellant-claimant would contend that the Tribunal had granted meagre compensation and ultimately prayed to enhance the same.

4. Learned Standing Counsel for the 2nd respondent-Insurance Company would contend that the driver of the offending vehicle did not possess any valid driving licence as on the date of the accident and hence, the Insurance Company is not liable to pay the compensation and ultimately prayed to set aside the impugned order.

5. In view of the submissions made by both sides, the point that arises for determination is, whether the appellant-claimant is entitled for enhancement of compensation?

6. There is no dispute with regard to the appellant-claimant suffering injuries in a road accident caused by jeep bearing No.AP 1 C 1034 by its driver in a rash and negligent manner on 16.10.2001. The only dispute is with regard to enhancement of compensation.

7. The finding of the Tribunal is that the driver of the jeep did not possess valid driving licence as on the date of accident. Admittedly, the insurance company did not prefer any appeal. Therefore, it is not appropriate to answer the contention with regard to the validity of driving licence of driver of the offending jeep.

8. As far as the assessment and award of compensation is concerned, the Tribunal had rightly assessed and awarded the compensation. There are no circumstances to enhance the compensation.

9. In the result, the appeal is dismissed.

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

Dr. SHAMEEM AKTHER, J

Date: 09.07.2018
ssp

