

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA NO. 1074 of 2006

JUDGMENT:

This appeal is directed by the Insurance Company against the order and decree dated 28.02.2006 passed by the Motor Accidents Claims Tribunal-cum-III Additional District and Sessions Judge, FTC, Mahabubnagar at Gadwal in O.P.No.397 of 2003, whereby the tribunal granted compensation of Rs.1,25,000/-with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization.

2. Before the tribunal, Respondent No.1 remained exparte. Respondent No.2 – insurance company filed counter denying the claim of the claimants.

3. In order to prove the case of the claimants, before the tribunal, claimants examined PWs.1 and 2 and marked Exs.A.1 to A.7. Ex.B.1- insurance copy was marked and no oral evidence was adduced on behalf of the respondents.

4. Learned standing counsel appearing for the Insurance Company contended that there was a tampering of policy i.e. policy pertains to the scooter, but not the vehicle involved in the accident i.e Icher Van and hence, prayed to allow the appeal setting aside the claim petition.

5. Learned counsel appearing for the claimants contended that the award passed by the tribunal is well considered and hence, prayed to dismiss the appeal.

6. On perusal of the entire material available on record and having regard to the facts and circumstances of the case, as per Ex.A.7 -RC book, Ex.B.1-insurance policy, notice addressed by the insurance investigating officer to the owner of the vehicle, Ex.A.5 - charge sheet and Ex.A.4 - Motor Vehicle Inspector's report the crime vehicle was Icher Van and not the scooter. If the Insurance Company believes that the insurance policy was tampered, nothing prevented it to adduce oral and documentary evidence before the tribunal with regard to its contention. But the Insurance Company has not made any efforts to prove the same and hence, the order passed by the tribunal is well considered in all aspects and needs no interference of this Court and accordingly, the appeal is liable to be dismissed.

7. In view of the above, the appeal is dismissed confirming the order and decree dated 28.02.2006 passed by the Motor Accidents Claims Tribunal-cum-III Additional District and Sessions Judge, FTC, Mahabubnagar at Gadwal in O.P.No.397 of 2003. There shall be no order as to costs.

Miscellaneous petitions if any, shall stand closed.

T.AMARNATH GOUD,J

Date: 21.11.2019
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