

IN THE HIGH COURT OF ORISSA AT CUTTACK

MACA No.1264 of 2014

***The Branch Manager,
New India Assurance Company Ltd.,
Sundargarh Branch.***

.... ***Appellant***
Mr.B.C.Singh, Advocate

-versus-

Pranchi Majhi and others ***Respondents***
Mr.D.K.Mohapatra, Advocate for Respondent Nos.2 & 3

**CORAM:
JUSTICE B. P. ROUTRAY**

**ORDER
10.01.2022**

Order No.

07.

1. This matter is taken up by video conferencing mode.
2. Heard Mr.Singh, learned counsel for the Appellant and Mr.Mohapatra, learned counsel for Respondents No.2 & 3.
3. The present appeal by the Insurer is directed against the judgment dated 6th August, 2014 passed by learned District Judge-Cum-First Motor Accident Claims Tribunal, Sundargarh in M.A.C.T.Case No.221 of 2001 wherein the Tribunal has directed for payment of compensation to the tune of Rs.1,97,000/- along with interest @6% per annum from the date of filing of the claim application i.e., 1st August, 2001.

4. The claimants-Respondents No.2 & 3 filed an application for compensation on account of death of the deceased in the motor vehicular accident dated 27th February, 2001.

5. Learned counsel for the Appellant submits that the driver of the vehicle did not have a valid driving license on the date of accident and the vehicle was a goods carriage vehicle and as such, the Insurer is not liable to indemnify the compensation on behalf of the owner.

6. Perusal of the impugned judgment reveals that both these grounds have been rejected by the learned Tribunal for lack of adequate evidence. It is true that the Insurer-Appellant did not produce any copy of the insurance policy nor did adduce any rebuttal evidence in support of its contention. Thus, the approach of the learned Tribunal in absence of copy of the insurance policy and its coverage either as a goods carriage or passenger carrying vehicle, is found justified. In the present appeal also, the insurer did not bother to adduce a copy of the insurance policy as additional evidence. Accordingly, no merit is seen in the challenge of the insurer.

7. In the result, the appeal is dismissed.

8. The statutory deposit made by the Appellant be refunded to him on proper application and on production of proof of deposit of the awarded amount before the learned Tribunal.

9. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par

with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020, modified by Notice No.4798, dated 15th April,2021, and Court's Office Order circulated vide Memo Nos.514 and 515 dated 7th January,2022.

(B.P. Routray)
Judge

C.R.Biswal

