

THE HONOURABLE SMT JUSTICE LALITHA KANNEGANTI

M.A.C.M.A.No.4045 of 2008

JUDGMENT:

This appeal is preferred by the appellant-Insurance Company aggrieved by the quantum of compensation of Rs.2,25,000/- awarded by the Tribunal in O.P.No.729 of 1998 on the file of the Motor Accident Claims Tribunal-cum-V Additional District and Sessions Judge, Mahabubnagar, dated 30-11-2005. Respondent Nos.1 and 2/claimants have filed the said OP claiming compensation of Rs.75,000/- for the death of the deceased in the accident.

2. Learned counsel for the appellant-Insurance Company Mr. Golla Narasaiah submits that the driver of the crime vehicle had no valid driving licence at the time of accident and in spite of the same, the Tribunal has fixed the liability on the insurance company and granted compensation, which is excessive. He submits that the jeep was insured as a private vehicle and it was being used as a taxi for hire at the time of accident and there is violation of the conditions of the policy and as such, the insurance company is not liable to pay the compensation. He further submits that the Tribunal has erred in awarding unreasonable compensation of Rs.2,25,000/- and on this ground, the appeal is liable to be allowed.

3. The ground that is raised by the appellant-Insurance Company is that at the time of accident, the driver of the vehicle is not having valid driving licence. The Tribunal has dealt with the said issue and

observed that no evidence is brought on record by the Insurance Company to the effect that the owner of the jeep had knowledge that the driver of the jeep had no valid licence and hence, in the absence of the material evidence, the Tribunal was not inclined to accept the contention that the driver of the jeep had no valid driving licence to drive the said vehicle. The Tribunal has given the said finding basing on the material available on record. When the respondents have failed to adduce evidence and prove the same, now in this appeal, this Court cannot interfere with the said finding given by the Tribunal. Hence, this Court finds no merit in the present appeal.

4. Accordingly, the Appeal is dismissed. No order as to costs.
5. Miscellaneous petitions, if any pending in this appeal shall stand dismissed.

25th January, 2023.
sj

SMT LALITHA KANNEGANTI, J