

(2005) 08 JH CK 0061
In the Jharkhand High Court
Case No : M.A. No. 244 of 2003

National Insurance Co. Ltd.

APPELLANT

Vs

Amrawati Devi and Another

RESPONDENT

Date of Decision : 04-08-2005

Acts Referred:

Citation : (2006) 2 ACC 320 : (2006) 1 JCR 301a

Hon'ble Judges : M.Y. Eqbal, J; Amareshwar Sahay, J

Bench : Division Bench

Judgement

1. Heard the parties.
2. This appeal has been filed at the instance of appellant- Insurance Company challenging the judgment and Award dated 29th May, 2003 passed by Presiding Officer, Motor Vehicles Accident Claims Tribunal, Ranchi in Compensation Case No. 136 of 1992 on the ground that the driver of the vehicle who was driving the vehicle was not having valid licence.
3. In our opinion, the claimant cannot be deprived of compensation on the ground that the vehicle was not being driven by a driver having valid driving licence.
4. Accordingly, the appellant-Insurance Company is directed to make payment of compensation amount together with interest @ 9% to the claimant. The claimant shall appear in the Lok Adalat scheduled to be held on 21st August, 2005.
5. The High Court Legal Services Committee is directed to issue notice to the claimant to appear before the Lok Adalat on 21st August, 2005.
6. Needless to say that the appellant-Insurance Company shall have all rights to recover the compensation amount from the owner of the vehicle if it is found that the vehicle was not being driven by the driver having valid licence.
7. The statutory amounts deposited by the appellant-Insurance Company shall

be sent back to the Tribunal by the Registry of this Court for its payment to the appellant-Insurance Company.

8. Let a copy of this order be handed over to the counsel for the Insurance Company.