

(2001) 11 AHC CK 0016
In the Allahabad High Court
Case No : F.A.F.O. No. 577 of 2001

National Insurance Co. Ltd.	Vs	APPELLANT
Chinta Devi and Others		RESPONDENT

Date of Decision : 05-11-2001

Acts Referred:

Citation : (2002) ACJ 1404

Hon'ble Judges : V.K. Sahai, J;Sudhir Narain, J

Bench : Division Bench

Advocate : Anand Kumar Sinha, for the Appellant;

Final Decision : Dismissed

Judgement

Sudhir Narain and V.K. Sahai, JJ.—This appeal is directed against the award of the Motor Accidents Claims Tribunal, Deoria dated 28.4.2001 awarding Rs. 1,79,500 as compensation to claimants-respondents.

2. The claim petition was filed with the allegation that the deceased Jai Chand was going on cycle on 26.5.1996 at 5.30 p.m. when jeep No. NLH 5545 dashed the cycle and Jai Chand died.

3. The claim petition was filed by the widow Chinta Devi, respondent No. 1 and the parents.

4. The Tribunal recorded a finding that the accident was caused due to rash and negligent driving of the driver of the jeep in question and considering the material facts awarded a sum of Rs. 1,79,500 as compensation.

5. This order has been challenged in the present appeal. We have heard Mr. Anand Kumar Sinha, learned Counsel for the appellant. The learned Counsel for the appellant submitted that the claimants have failed to prove that the jeep in question was insured with the appellant. The Tribunal has recorded a finding that the jeep was insured with the appellant. A photocopy of the insurance policy was filed bearing the number and the date. The appellant did not deny it and did not

produce the evidence to show that it was not a true photocopy of the original. We do not find that this finding is vitiated in law.

6. No other point was pressed before us. We do not find any merit in this appeal. It is accordingly dismissed.

7. Rs. 25,000 deposited by the appellant in this Court , shall be remitted by the Registry of this Court to Motor Accidents Claims Tribunal concerned for payment/ adjustment of the amount payable by the appellant to the claimants-respondents.