

(2001) 11 AHC CK 0033
In the Allahabad High Court
Case No : F.A.F.O. No. 1686 of 2001

National Insurance Co. Ltd.	Vs	APPELLANT
Jagan Nath and Others		RESPONDENT

Date of Decision : 07-11-2001

Acts Referred:

Citation : (2002) 2 ACC 36 : (2002) 1 ACC 687 : (2002) ACJ 687

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

Bench : Division Bench

Advocate : Arvind Kumar, for the Appellant;

Final Decision : Dismissed

Judgement

Sudhir Narain and V.M. Sahai, JJ.—This appeal is directed against the award of Motor Accidents Claims Tribunal, Allahabad dated 18.7.2001 awarding Rs. 1,72,000 as compensation to claimants-respondents.

2. The claim petition was filed by respondent No. 1 with the allegations that his son met with an accident and died on 17.5.1996 when vehicle No. UP 71-A 6393 hit him, which was due to rash and negligent driving by its driver.

3. The appellant contested the matter on various grounds.

4. The Tribunal recorded the finding that accident was caused due to rash and negligent driving of the driver of the vehicle and considering the material evidence on record, it was found that respondent No. 1 is entitled to a sum of Rs. 1,72,000 as compensation.

5. This order of the Tribunal has been challenged in the present appeal.

6. We have heard Mr. Arvind Kumar, learned Counsel for the appellant. Learned counsel for the appellant submitted that the driver of the vehicle in question had a licence to drive light motor vehicles. But the vehicle in question was heavy motor vehicle. The Tribunal has considered this aspect of the matter, it has found

that the vehicle in question was Tata 407, it was light motor vehicle. It was further found that the appellant did not lead any evidence to show that such vehicle was heavy motor vehicle. We do not find any illegality in the findings recorded by the Tribunal.

7. The next submission of the learned Counsel for the appellant is that the amount awarded is excessive. It is contended that in case of a bachelor, the multiplier should be applied taking into consideration the age of the claimants and not the age of the deceased.

8. The Tribunal has considered the age of the deceased as well as the age of claimants and after considering the material evidence on record, came to the conclusion that the claimants were entitled for compensation of Rs. 1,72,000.

9. In view of the above, we do not find any merit in this appeal. The appeal is accordingly dismissed. Rs. 25,000 deposited by the appellant in this Court, shall be remitted by the Registry of this Court to the Motor Accidents Claims Tribunal concerned for payment/adjustment of the amount payable by the appellant to the claimants-respondents.