

(2005) 10 AHC CK 0057
In the Allahabad High Court

New India Assurance Company Limited

APPELLANT

Vs

Bhoo Devi and Others

RESPONDENT

Date of Decision : 07-10-2005

Acts Referred:

Motor Vehicles Act, 1988 — Section 174

Citation : (2006) 1 ACC 272

Hon'ble Judges : R.P. Misra, J; Krishna Murari, J

Bench : Division Bench

Judgement

R.P. Misra, J.—This first appeal from order has been filed, challenging the impugned award dated 14.7.2005 passed by the Motor Accident Claims Tribunal, Firozabad.

2. The facts are that an accident took place on 14.2.1995 on account of rash and negligent driving of the truck No. HNP-7185 which was insured with the appellant. The accident resulted in the death of one Sarvesh Kumar. The dependants of the deceased namely father and mother filed a claim petition claiming compensation of Rs. 18,10,000 along with 18% interest.

3. On the basis of oral evidence adduced by the parties, Tribunal recorded the finding that the accident took place on account of rash and negligent driving by the driver of the offending vehicle.

4. Since the owner of the offending vehicle failed to produced the driving licence of the driver of offending vehicle, the Tribunal held that the driver was not having a valid driving licence on the date of accident.

5. The Tribunal has further come to the conclusion that monthly income of the deceased was Rs. 2,500 and after deducting 1/3rd amount towards personal expenses and applying a multiplier of 11 has determined the compensation of Rs. 2,20,000.

6. Since the owner of the offending vehicle failed to prove that the driver was

having a valid driving licence as such the Tribunal rightly directed the Insurance Company to make payment of the awarded amount and to recover the amount from the owner u/s 174 of the Motor Vehicles Act.

7. The findings recorded by the Tribunal are based on proper appraisal of evidence. We find no illegality in the same.

The appeal is devoid of merit and is accordingly dismissed.