
(2006) 03 AP CK 0101
In the Andhra Pradesh High Court
Case No : M.A.A.A.O. No. 463 of 2006

Oriental Insurance Company Ltd.	Vs	APPELLANT
P. Balagangadhara Rao and Another		RESPONDENT

Date of Decision : 03-03-2006

Acts Referred:

Motor Vehicles Act, 1988 — Section 140, 140(1), 140(2), 140(3)

Citation : (2006) 4 ACC 252 : (2006) 4 ALD 661 : (2006) 3 ALT 45

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : R. Briz Mohan Singh, for the Appellant; None appeared, for the Respondent

Final Decision : Dismissed

Judgement

L. Narasimha Reddy, J.—The 1st respondent filed OP. No. 493 of 2004 before the Motor Accidents Claims Tribunal-cum-Additional District Judge's Court, Anantapur, claiming compensation against the appellant and the 2nd respondent. It was alleged that on 6-1-2004, the 1st respondent boarded the van bearing No. AP-22-T-8838 at Kurnool, along with sheep, with an intention to go to Bangalore Market. It was alleged that when the van reached Rapthadu Village, it was being driven in a high speed and on losing the control, it dashed against a stationed lorry and thereby, he sustained grievous injuries. In that O.P., he filed I.A. No. 708 of 2005 u/s 140 of the Motor Vehicles Act, 1988 (for short "the Act"), claiming a sum of Rs. 25,000/- towards no fault liability. The application was resisted by the appellant alone, and the owner of the vehicle, the 2nd respondent herein, remained ex parte. On a consideration of the matter, the Tribunal allowed the I.A. on 3-11-2005 and awarded a sum of Rs. 25,000/-. The same is challenged in this C.M.A.

2. Sri R. Briz Mohan Singh, the learned Counsel for the appellant submits that mere filing of an application u/s 140 of the Act was not sufficient and it was obligatory on the part of the 1st respondent to prove the fact that he incurred

permanent disablement. He contends that the evidence on record was inconsistent and the Tribunal was not justified in passing the order under appeal.

3. Apart from enabling the victims of motor vehicle accidents or their dependents, to make claims and recover damages by invoking the procedure under Chapter XII of the Act, the Parliament had provided for payment of liability without fault in Chapter X of the Act. Section 140 of the Act provides for payment of a sum of Rs. 50,000/- in case of death and a sum of Rs. 25,000/- in case of permanent disablement, without the requirement of proving the negligence or guilt of the owners of the vehicles involved in the accident. It is apt to extract Sub-section (3) thereof to appreciate the purport of the enquiry to be undertaken while considering the no fault liabilities. It reads as under:

140 (3) In any claim for compensation under sub-section(1), the claimant shall not be required to plead and establish that the death or permanent disablement in respect of which the claim has been made was due to any wrongful act, neglect or default of the owner or owners of the vehicle or vehicles concerned or of any other person.

From this, it is evident that once the claim is presented before the Tribunal and it is satisfied that the accident resulted in death or permanent disability, to an individual, awarding a sum indicated in Sub-section (2) of Section 140 of the Act is almost a matter of course. In the instant case, the Tribunal has undertaken extensive discussion with reference to the contentions of the parties and the documentary evidence viz., Exs. A-1 to A-4 and B-1 and B-2 in the matter of arriving at conclusion. When the Act itself mandates that the claimant is not under obligation to prove any negligence on the part of the owner of the vehicle, and when the owner of the vehicle himself did not choose to contest the matter, the order passed by the Tribunal cannot be interfered with at the instance of the insurer.

4. Hence, the M.A. C.M.A. is dismissed. There shall be no order as to costs.