

(2001) 11 AHC CK 0013
In the Allahabad High Court

Oriental Insurance Company Ltd.

APPELLANT

Vs

Smt. Shashi Bala and Others

RESPONDENT

Date of Decision : 29-11-2001

Acts Referred:

Citation : (2002) 2 ACC 23

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

Bench : Division Bench

Judgement

Sudhir Narain, J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Allahabad awarding Rs. 3,15,500/- as compensation to the claimant-respondents.

2. The claim petition was filed with the allegations that Abhai Kumar Singh was going on his Motorcycle on 27.11.1992 at 3.30 p.m. The Tractor of Shiv Kumar dashed against him, with the result he received serious injuries and succumbed to his injuries leaving behind him his widow and two minor daughters. It was stated that the accident was caused due to rash and negligent driving of the Tractor in question. It was insured with the appellant. He was 27 years of age at the time of the accident and used to operate crusher and was getting Rs. 5,000/- per month. He also used to pay Income Tax.

3. The appellant contested the claim petition on various grounds.

4. The Tribunal recorded a finding that the accident was caused due to rash and negligent driving of the Tractor "in question and on assessment it found that the claimant-respondents were entitled to compensation of Rs. 3,15,500/-. The appellant has challenged this order in the present appeal.

5. We have heard Mr. V.C. Dixit, learned Counsel for the appellant. Learned Counsel for the appellant submitted that the driver had no valid licence. It was further contended that the owner Shiv Shanker was himself guilty and a charge-sheet was given to Shiv Shanker by the police.

6. We have perused the impugned award and the material placed before us. The Tribunal has recorded a finding that the vehicle was insured with the appellant and the accident was caused due to rash and negligent driving of the Tractor in question.

7. We do not find any merit in the appeal and it is accordingly dismissed.

8. Rs. 25,000/- deposited by the appellant in this Court, shall be remitted by the Registry of this Court to the Motor Accident Claims Tribunal concerned within one month for payment/adjustment of the amount payable by the appellant to the claimant-respondents.