

(2001) 12 AHC CK 0097
In the Allahabad High Court

Oriental Insurance Company Ltd.

APPELLANT

Vs

Subhash Chandra Verma and Others

RESPONDENT

Date of Decision : 05-12-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 170

Citation : (2002) 3 ACC 598

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sudhir Narain, J.—The appellant has filed this appeal against the award of the Motor Accident Claims Tribunal dated 21.9.2001 awarding a sum of Rs. 1,50,000/- as compensation to the claimant-respondents on the death of their daughter. "

2. The claim petition was filed by the claimant-respondents with the allegations that due to rash and negligent driving of the bus by the driver, the daughter of the deceased aged about 8 years was crushed by Bus No. UP 62 D-6881 and died on the spot. The Tribunal has recorded a finding that the accident was caused due to rash and negligent driving of the bus driver and awarded a sum of Rs. 1,50,000/- as compensation.

3. Learned Counsel for the appellant contended that the amount awarded is excessive. Firstly the appellant did not obtain permission of the Tribunal u/s 170 of the Motor Vehicles Act and it is now not open to it to urge this point. Secondly, on facts we are satisfied that the amount awarded is not excessive.

4. The appeal is, accordingly, dismissed.

5. The amount of Rs. 25,000/- deposited in this Court by the appellant shall be remitted to the Tribunal within one month from today by the Registry and shall be adjusted in the deposits to be made by the appellant.