

(2001) 11 AHC CK 0017
In the Allahabad High Court
Case No : F.A.F.O. No. 1730 of 2001

United India Insurance Co. Ltd.

APPELLANT

Vs

Bundu Ali and Others

RESPONDENT

Date of Decision : 26-11-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 170

Citation : (2003) ACJ 1845

Hon'ble Judges : Sudhir Narain, J; R.B. Misra, J

Bench : Division Bench

Advocate : Pankaj Srivastava, for the Appellant;

Final Decision : Dismissed

Judgement

Sudhir Narain and R.B. Misra, JJ.—This appeal is directed against the award of the Motor Accidents Claims Tribunal, awarding a sum of Rs. 1,39,500 as compensation to the claimants-respondents.

2. The claim petition was filed by the claimants-respondents with the allegations that Allah Bakhsh, while going on the road on 22.10.1997, was crushed by a private bus No. PAB 8573 and he died on the same date on the spot.

3. The claim petition was contested by the appellant as well as by the owner of the bus. It was denied that the accident was caused due to rash and negligent driving of the bus. Respondent No. 9 also denied that he was owner of the bus.

4. The Tribunal recorded a finding that accident was caused due to rash and negligent driving of the bus and the driver had a valid licence. On assessment of evidence Claims Tribunal, awarded Rs. 1,39,500 as compensation to claimants-respondents.

5. We have heard Mr. Pankaj Srivastava, learned Counsel for the appellant who has assailed the finding recorded by the Tribunal. It is urged that amount awarded is too excessive. On perusal of the judgment and the material placed

before us we do not find that amount awarded is excessive. Secondly, this plea is not admissible, as there is nothing to show that any permission was obtained from the Tribunal u/s 170 of Motor Vehicles Act.

6. The appeal is accordingly dismissed.

7. 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 within one month for payment/adjustment of the amount payable by the appellant to the claimants-respondents.