

(2001) 10 AHC CK 0027
In the Allahabad High Court
Case No : F.A.F.O. No. 1603 of 2001

United India Insurance Co. Ltd.

APPELLANT

Vs

Rajesh Kumar Gupta and Others

RESPONDENT

Date of Decision : 31-10-2001

Acts Referred:

Citation : (2002) 2 ACC 590 : (2003) ACJ 301

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sudhir Narain and V.M. Sahai, JJ.—This appeal is directed against the award of Motor Accidents Claims Tribunal dated 18.7.2001 awarding Rs. 3,05,000 as compensation to claimant-respondent.

2. The claim petition was filed with the allegation that on 31.10.1995 while the claimant-respondent was travelling by the vehicle No. UPJ 5727 at about 4 p.m. the vehicle met with accident and he received serious injuries. His arm was fractured. He was treated in the hospital and was twice operated upon and steel rod was inserted in his arm.

3. The claim petition was contested by the appellant.

4. One of the plea was that the driver of the vehicle had no driving licence. The Tribunal recorded a finding that the driver had a driving licence. The accident was caused due to rash and negligent driving. The Tribunal came to the conclusion that the respondent-claimant was entitled to compensation of Rs. 3,05,000.

5. This order of the Tribunal has been challenged in the present appeal.

6. We have heard Mr. V.C. Dixit, the learned Counsel for the appellant. He contended that the photocopy of the driving licence was filed and such photocopy was not admissible in evidence. He has placed reliance upon the decision 2000 ACJ 469 (SC) wherein the Supreme Court observed that if an objection is raised

in regard to a photocopy of a driving licence, that matter should be considered before taking a decision in that regard. This aspect has been considered by the Tribunal. It has recorded a finding that the genuineness of the photocopy of the driving licence was never challenged by the appellant, rather it was accepted. On the facts of this case, the decision cited by the learned Counsel for the appellant is not applicable.

7. Learned counsel for the appellant then urged that amount awarded is excessive.

8. We have perused the order. Amount awarded is not excessive. The appeal has no merit.

9. The appeal is accordingly dismissed.

10. 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 for payment/adjustment of the amount payable by the appellant to the claimant-respondent.