

Moti Lal Nanhoo Mal and Another Vs United India Insurance Co. Ltd. and Others

Court: Allahabad High Court

Date of Decision: Dec. 3, 2001

Citation: (2003) ACJ 1819

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

Bench: Division Bench

Advocate: K.M. Garg, for the Appellant; R.B. Singh, for the Respondent

Final Decision: Dismissed

Judgement

Sudhir Narain and V.M. Sahai, JJ.

This appeal is directed against the award of the Motor Accidents Claims Tribunal dated 6.9.2001

awarding a sum of Rs. 1,80,000 to the claimants-respondents.

2. The deceased Bhoori Singh died in the accident while he was returning to his home after labouring. The driver of truck No. USO 3877 dashed

him and he died in the hospital. He was a labourer and was earning Rs. 3,000 per month. He died leaving behind him, his widow, three minor

children besides parents.

3. The claim petition was contested by the appellants on various grounds. The Claims Tribunal has recorded a finding that the accident was caused

due to rash and negligent driving of the truck driver. This appeal has been filed by the owner and truck driver.

4. We have heard Mr. K.M. Garg, the learned Counsel for the appellants and Mr. R.B. Singh, learned Counsel for claimants-respondents.

5. Learned counsel for the appellants contended that the driver had a valid licence and the insurance company was liable to pay compensation. We

have perused the impugned order of the Tribunal and the material placed before us. The Tribunal has recorded a finding that the photocopy of the

driving licence was produced and that also did not give the details and the period for which the licence was granted. The driver did not appear

before the Tribunal. He did not explain as to why the original was not produced before it. The view taken by the Tribunal that the liability is upon

the appellants, does not suffer from any illegality.

6. Appeal is, accordingly, dismissed.

7. The amount of Rs. 25,000 deposited in this Court by the appellants 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 appellants.