

(2001) 11 AHC CK 0139

Allahabad High Court

Case No: None

Oriental Insurance Company Ltd.

APPELLANT

Vs

Smt. Saroj Devi and Others

RESPONDENT

Date of Decision: Nov. 7, 2001

Citation: (2002) 3 ACC 184

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

Bench: Division Bench

Final Decision: Dismissed

Judgement

Sudhir Narain, J.

This appeal is directed against the award of the Motor Accident Claims Tribunal, Allahabad awarding Rs. 2,50,000/- as compensation to the claimant-respondents.

2. The claim petition was filed with the allegations that on 15th January, 1994 at about 7.00 a.m. Truck No. D.I.L. 3820 dashed against Truck No. U.P. 65C 8155 in which Madan Kahar was working as a cleaner. He received serious injuries and later on expired leaving behind him his widow and one minor daughter. He was aged about 30 years and was getting a salary of Rs. 2,800/-.

3. The appellant contested the claim petition and it was contended that the accident was not caused by rash and negligent driving of the driver of Truck No. DIL-3820. The Tribunal considered the evidence produced in the case and came to the conclusion that the accident was caused due to rash and negligent driving of Truck No. DIL-3820 and on evidence found that the claimants were entitled to Rs. 2,50,000/- as compensation. This order has been challenged in the present appeal.

4. We have heard Mr. Amaresh Sinha, learned Counsel for the appellant and Mr. Ram Singh, learned Counsel for the respondents.

5. Learned Counsel for the appellant submitted that the accident was not caused due to rash and negligent driving of Truck No. DIL-3820 and it was not insured.

6. We have perused the impugned award and the material placed before us.

We are of the opinion that the accident was caused by rash and negligent driving of Truck No. DIL-3820 and it was insured with the appellant.

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.