

Laxminarayan Vs. Hari Singh

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Court : Madhya Pradesh

Decided On : Sep-13-2001

Reported in : II(2002)ACC44

Judge : S.B. Sakrikar, J.

Appellant : Laxminarayan

Respondent : Hari Singh

Advocate for Pet/Ap. : Mr. Thakur

Judgement :

ORDER

S.B. Sakrikar, J.

1. This order shall also govern the disposal of Misc. Appeal No. 344/2001, filed on behalf of respondent No. 2, owner of the offending vehicle against the award of Tribunal dated 23.11.2000 passed by MACT, Rajgarh in Claim Case No. 44/1998, whereby the learned Tribunal allowed the application filed on behalf of the appellant-claimant for award of compensation under Motor Vehicles Act, and passed an award of Rs. 15,000/- in favour of the appellant-claimant exonerating respondent No. 3 Insurance Company from liability of payment of compensation.

2. The undisputed facts of the case are that, on the date of accident due to negligent driving of passenger bus bearing registration No M.P. 04-H-7089, the appellant-claimant Lakshminarayan sustained injuries. The vehicle at the time of accident was driven by respondent No. 1 and respondent No. 2 was the registered owner of the said vehicle and it was insured with respondent No. 3 Insurance Company. Before the Tribunal, respondent Nos. 1 and 2 proceeded ex-parte. The learned Tribunal, on evaluating the evidence adduced on behalf of the appellant-claimant and respondent No. 3-Insurance Company, awarded Rs. 15,000/- as compensation in favour of the appellant exonerating Insurance Company from payment of the compensation amount. Aggrieved by the said award of the Tribunal, the claimant-appellant has filed M.A. No. 292/2001 seeking enhancement in the compensation amount; whereas the owner of the offending vehicle respondent No. 2 Thakur Gajendrasingh filed M.A. No. 344/2001, for the dismissal of the claim application, and in the alternative, for making Insurance Company also liable to pay the compensation awarded to the claimant.

3. I have heard Mr. Thakur, learned Counsel for the appellant, Mr. R.S. Parmar, learned Counsel appearing for respondent Nos. 1 and 2, and Mr. Mehta, learned Counsel appearing for respondent No. 3.

4. Considering the submissions of the learned Counsel, and on perusal of the statements of Dr. Narendra Bharadwaj P.W. 3, it emerges that in the alleged accident, the appellant-claimant sustained only three contusions; one on back side of the waist, other on the shoulder and the third injury on the chest.

5. On over all reading of the statement of the Doctor, it emerges that the alleged injuries were simple in nature. However, the claimant was a patient of paralysis; but the Doctor is not sure that paralysis developed as a result of the injuries sustained by the claimant in the alleged accident. The learned Tribunal properly appreciated the evidence adduced on behalf of the claimant and recorded a finding that the injuries sustained in the accident were simple and awarded Rs. 15,000/- as compensation in his favour together with interest @ 12% from the date of the application. I do not find that the compensation awarded by the Tribunal is unreasonable or on the lower side and requires any enhancement in this appeal.

As such, the appeal filed on behalf of the appellant-claimant Lakshminarayan is devoid of any merit and substance and deserves to be dismissed.

6. So far as the appeal filed on behalf of the owner of the offending vehicle, Gajendra Singh is concerned, the only contention of the learned Counsel for the appellant is that the Tribunal has committed an error in holding that the driver of the offending vehicle was having a licence to drive Light Motor Vehicle, whereas at the time of accident, he was driving a Passenger-Bus, which is considered to be a heavy vehicle. Considering the submissions of the learned Counsel and on perusal of record, it emerges that copy of the driving licence of driver Hari Singh is available on the record of the Tribunal. The driving licence clearly indicates that the driver was holding a licence for driving only a Light Motor Vehicle. It is not disputed that the accident occurred as a result of the rash and negligent driving of the bus, which is a heavy vehicle. The learned Tribunal, on the basis of the aforesaid evidence held that respondent No. 1 driver Hari Singh was driving the said bus at the time of accident without having/holding a valid licence to drive the said bus, and on these findings exonerated the Insurance Company from payment of compensation.

7. I do not find that the findings recorded by the Tribunal on the aforesaid question are contrary to the evidence available on the record and requires any interference in the appeal filed on behalf of the owner. Misc. Appeal No. 344/ 2001 also deserves the fate of dismissal.

8. In the result, the two appeals M.A. No. 292/2001, filed by the claimant and M.A. No. 344/2001, filed on behalf of the owner of the vehicle are devoid of any merit and substance, and they are accordingly dismissed.

9. No order as to costs in both the appeals.

A copy of this order be placed on the record of connected Misc. Appeal No. 344/2001.