

Case :- FIRST APPEAL FROM ORDER No. - 403 of 2013

Petitioner :- The Oriental Insurance Co. Ltd.

Respondent :- Smt. Savitri Devi And Others

Petitioner Counsel :- P.N Srivvastava

Hon'ble Rakesh Tiwari,J.

Hon'ble Anil Kumar Sharma,J.

Heard learned counsel for the appellant and perused the impugned award.

Challenge in this appeal is to the award dated 29.10.2012 passed by Motor Accident Claims Tribunal/Additional District Judge, Court No.5, Kanpur in M.A.C.P. No. 527 of 2012 (Savitri Devi and others Vs. M/s Rahman Export Pvt. Ltd. and others).

It appears that in an accident dated 09.05.2007 Sundar Lal Sahu who was going on a motorcycle from Kanpur to Unnao was dashed by driver of the scooter bearing registration No.U.P. 78 AY-0864 at about 6.00 p.m.. He was admitted in the hospital but died during treatment on 07.06.2007. The claim petition was filed by the widow and the children of the deceased and a sum of Rs.6,65,613/- together with interest @ 7% per annum was awarded. The appellant has challenged the award on the ground on it was a head on collusion and so drivers of the both the vehicle were responsible for the accident. However the appellant has not filed a copy of the F.I.R. or the site plan to substantiate their arguments. The Tribunal has held that the deceased was driving his motorcycle on correct and proper side of the road while the scooter driver dashed with the motorcycle on wrong side of the road. No evidence was led by the opposite parties to show that it was a case of contributory negligence.

The deceased was aged about 58 years and was an income tax payee. A sum of Rs.1,34,073/- has been awarded for medical expenses which was incurred by the claimants in the treatment of the deceased.

In view of the above, we do not find that the Tribunal has erred in awarding just and reasonable compensation to the claimants, the appeal has no force and is accordingly dismissed at the admission stage.

The statutory amount deposited in the Court be remitted back to the Tribunal concerned within two weeks.

Order Date :- 6.2.2013/Mukesh