

Court No. - 35

Case :- FIRST APPEAL FROM ORDER No. - 3805 of 2012

Petitioner :- United India Insurance Co. Ltd.

Respondent :- Pappu Ahirwar And Others

Petitioner Counsel :- Ms. Usha Kiran

Hon'ble Rakesh Tiwari,J.

Hon'ble Anil Kumar Sharma,J.

Supplementary affidavit filed today is taken on record.

Challenge in this appeal is to the award and decree dated 13.07.2012 passed M.A.C.T./ Additional District Judge (Ex Cadre) District Lalitpur in M.A.C.P. No. 19 of 2011 (Pappu Ahirwal & Others Vs. Ram Sewak & Others, District Lalitpur.

The appellant, United India Insurance Company Ltd. alleged that the vehicle was being driven by Sri Ram Sewak but he had no valid licence whereas the licence produced was in the name of Sri Shiv Lal. It appears from the order dated 30.10.2012, that the Insurance Company claimed that licence of Shiv Lal was produced and it was argued that since the driver was not having a valid licence, the Insurance Company should at least be provided a right to recover the amount from the owner of the vehicle.

From Annexure No. 4, it appears that driving licence No. S-109/LKTP/2002 was verified by the Investigator of appellant (Insurance Company), it was verified by him that driving licence was issued for LMV motorcycle dated 27.03.2002 to 30.06.2016 and HTV (paid employees) dated 21.09.2009 to 20.09.2012 in the name of Sewalal son of Sri Dhire, resident of Village Vighakhet, District Lalitpur whereas the report of the same Investigator of the company has been appended as Annexure No. 1 of supplementary affidavit alongwith the report of Licencing Authority in respect of the aforesaid driving licence which shows that the aforesaid driving licence is in the name of Sewak son of Dhire, therefore the report filed by the Investigator of the Insurance Company as Annexure No. 4 is factually incorrect.

In view of the above reasons, we do not find any merit in this appeal, the appeal is accordingly dismissed.

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

Order Date :- 7.2.2013/Mukesh