



2026:AHC-LKO:20799

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

FIRST APPEAL FROM ORDER No. - 172 of 2017

National Insurance Co.Ltd. Thru. Regional Office

.....Appellant(s)

Versus

Smt. Mithlesh Singh And 2 Others

.....Respondent(s)

Counsel for Appellant(s) : Surendra Pal Singh

Counsel for Respondent(s) : J.P. Singh Chauhan, Ravendra Prasad Misra

Court No. - 20

HON'BLE PRASHANT KUMAR, J.

1. Heard learned counsel for the parties and perused the record.
2. The instant appeal has been preferred under Section 173 of the Motor Vehicle Act, 1988 against the judgment dated 22.12.2016 and award dated 03.01.2017 passed by the Motor Accident Claims Tribunal/ Additional District Judge, Court No.4, Lucknow in C.P. No.74/2013, whereby compensation of Rs.79,066/- along with interest has been awarded in favour of the claimants-respondents.
3. The brief facts of the case are that on 10.05.2012 at about 3:15 PM, a tempo (Vikram) bearing registration no. UP 32 CN 1082 was being driven in a rash and negligent manner. Due to such rash driving, the vehicle lost control, struck the divider, and overturned, as a result of which the claimant sustained serious injuries, including fractures in her right hand. The driver left the vehicle and fled from the spot. Thereafter, an FIR was lodged, and the claimant was taken to the hospital where she underwent surgery, and a rod was implanted in her arm. She remained under treatment for four months, followed by physiotherapy for two months. Despite the treatment, she continued to face difficulty in performing her work properly. Accordingly, she filed a claim petition before the MACT, Lucknow.
4. The Tribunal, after considering the pleadings, framed the following issues:-

"1. क्या दिनांक 10.05.2012 को समय लगभग 3.15 बजे दिन में लखनऊ कानपुर रोड स्थित बाबा होटल के सामने थाना सरोजनी नगर जिला लखनऊ में वाहन विक्रम संख्या यू०पी०३२-सी०एन० 1082 के चालक द्वारा वाहन को तेजी व लापरवाही से चलाये जाने के कारण वाहन डिवाइडर से टकराकर पलट गया जिससे वाहन में सवार मिथलेश सिंह को गम्भीर चोटें आयीं?

2. क्या उक्त दुर्घटना के समय वाहन विक्रम संख्या यू०पी०३२-सी०एन० 1082 विपक्षी कमांक संख्या-2 नेशनल इन्श्योरेंस कम्पनी लिमिटेड से बीमित था?

3. समय वाहन विक्रम क्या उक्त दुर्घटना के संख्या यू०पी०३२-सी०एन० 1082 के चालक के पास वैध एवं प्रभावी ड्राइविंग लाईसेन्स था और वाहन का संचालन बीमा की शर्तों के अनुरूप किया जा रहा था?

4. क्या याचिनी प्रतिकर की धनराशि पाने की अधिकारिणी है, यदि हाँ तो कितनी और किस पक्षकार से? "

5. After considering the relevant documents and evidence adduced, the Tribunal came to the conclusion that the accident occurred on 10.05.2012 due to the rash and negligent driving of the tempo, which resulted in it overturning and causing injuries to the claimant. The Tribunal further held that the vehicle was duly insured with the Insurance Company and that the driver possessed a valid driving licence at the relevant time. Considering the nature of injuries, the Tribunal awarded compensation of Rs. 79,066/- vide order dated 22.12.2016.

6. The said order has been challenged by the Insurance Company by way of the present appeal.

7. Learned counsel for the appellant submits that at the time of the accident, the vehicle was being driven beyond the permitted area.

8. *Per contra*, learned counsel for the respondent submits that the Insurance Company has filed the present appeal merely to avoid payment. He further contends that the issue of violation of permit conditions was never raised before the Tribunal. It is also submitted that the Tribunal has already recorded a finding that the offending vehicle possessed a valid permit.

9. Heard learned counsel for the parties and perused the record.

10. The issue raised in this appeal was never raised before the Tribunal concerned and it seems the same has been raised only to avoid payment of Rs.79,066/-. The contention of the appellant is clearly an afterthought, as the same was not raised before the Tribunal. Apart from this no other issue was argued by the counsel for the appellant.

11. Such kind of argument cannot be entertained at the appellate stage accordingly, the instant appeal is devoid of merits and is accordingly **dismissed**.

March 23, 2026

Saurabh Yadav/-

(Prashant Kumar,J.)