

**BEFORE THE MEMBER, MOTOR ACCIDENT CLAIMS TRIBUNAL
SILCHAR::CACHAR::ASSAM**

Present: Shri Surajit Kumar Dhar, A.J.S.

Misc case No. 1/2018

Sl No	Date	ORDER	Signature
	19-09-19	By this order, I am proceeding to dispose of the petition No. 7/8 filed by the Insurance Company seeking review of the judgment dated 05-12-2017 passed in MAC Case No. 102/2013. After hearing both sides and perusal of the impugned judgment as well as Accident Information Report it is clear that the Insurance Policy No. 25 3310131116300012155 on the basis of which the Insurance Company was fastened for indemnifying the compensation, was valid upto 22-07-2012. Hence, the date of accident being 14-11-2012 was not covered by the period of insurance i.e. 21-07-2011 to 22-07-2012. The period of insurance is also clearly mentioned in Para No. 19 of the impugned judgment. But due to omission, my learned Predecessor in chair did not notice that the date of accident was not covered by the period of insurance. Hence, even after recording the period of insurance in the impugned judgment, the Insurance Company was held liable to pay compensation which is in view of this Tribunal an error apparent on the face of the record. Since, the Insurance Policy did not cover the date of accident the owner of the vehicle was liable to pay compensation. Therefore, the judgment dated 05-12-2017 is reviewed by shifting liability of payment of compensation from the Insurance Company to the owner of the vehicle. The owner did not produce any renewal insurance policy covering the date of accident. Hence the Insurance Company can not be fastened with liability of compensation by pay and recovery procedure. Hence, considering all aspects the petition No. 7/8 stands allowed. From what have been discussed in the detail judgment owner of the vehicle i.e. Md. Ataur Rahman is directed to deposit the awarded compensation of Rs.19,206/- (Rupees nineteen thousand two hundred six) only within 30 days from today. With the above, the judgment is reviewed with modification and alteration. Furnish fresh copy of the judgment to the parties free of cost. The Misc case is disposed of accordingly.	