THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

M.A.C.M.A. No.2099 of 2005

JUDGMENT:

The owner of vehicle bearing registration No.AIO-4432, which was involved in the accident that occurred on 20.11.1998 at about 7.00 A.M. near Varagali Cross Road on GNT road near Writers Satram, Nellore District, is the appellant herein. He filed M.V.O.P. No.618/1999 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Nellore (for short, 'the Tribunal') seeking compensation of Rs.73,485/- for the damage caused to his Ambassador Car bearing registration No.AIO-4432, and also filed M.V.O.P.No.619/1999 claiming compensation of Rs.3,46,000/- for the injuries sustained by him in the said accident. In the present appeal, we are concerned with M.V.O.P. No.618/1999. The Tribunal dismissed the said O.P. on the ground that the vehicle was not transferred in the name of petitioner as on the date of accident and he was not entitled for any amount.

In support of the case of the petitioner-claimant, the claimant produced Ex.A.10-Sale letter dated 28.10.1998, issued by M/s.Thakar Chemicals, Vijayawada, in favour of the claimant. With regard to the damage, the Surveyor submitted a report, dated 08.01.1999, which was filed under Ex.A.13. There is no dispute with regard to involvement of the vehicle and damage to the vehicle. The vehicle is of the year 1984 and it was purchased by the claimant for an amount of Rs.70,000/- under Ex.A.10-Sale letter dated 28.10.1998, but the ownership was recorded in the records of the R.T.O. on 27.11.1998. The Surveyor submitted a report under Ex.A.13 assessing Rs.3,300/- for cost of three parts, Rs.80,050/- for cost of 42 parts, and labour charges at Rs.20,000/-. He has given depreciation at 50% and salvage at Rs.3,000/- and net loss was assessed at Rs.61,975/-. The Tribunal disbelieved the report as the Surveyor assessed the value of car at Rs.1,00,000/- and PW1 purchased the same at Rs.70,000/-. Though the market value of the car may be less, the Surveyor submits his report based on his assessment. Merely on the basis of discrepancy in the market value, mentioned by PW1, and the value mentioned in the report, the report cannot be disbelieved. The petitioner cannot be non-suited on the ground that the transfer of vehicle took place at a later point of time after the date of purchase. So far as Ex.A10-Sale letter is concerned, the transfer application forms were signed by both parties on 01.08.1998 and ultimately the transfer took place only on 27.11.1998. The transfer of vehicle is also not in dispute.

In the above circumstances, the dismissal of M.V.O.P.No.618/1999 by the Tribunal is erroneous, and M.V.O.P.No.618/1999 is allowed for an amount of Rs.61,975/- (Rupees sixty one thousand nine hundred and seventy five only) as assessed by PW2 in his report dated 08.01.1999, which is exhibited as Ex.A13.

Accordingly, this Appeal is allowed by awarding compensation of Rs.61,975/- with interest @ 9% per annum from the date of petition till the date of realisation. No order as to costs.

Miscellaneous Petitions, if any, pending in this appeal shall stand closed.

A.RAMALINGESWARA RAO, J

15.12.2015
MVA