

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.1178 OF 2009

JUDGMENT:

This is an appeal filed by the claimant aggrieved by the order dated 15.11.2007 in O.P.No.1504 of 2005 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Warantal.

2) The clam petition was filed by the injured claimant by name Mogili, under Section 166(1)(b) of the Motor Vehicles Act seeking compensation for an amount of Rs.3,00,000/- for the damage caused to the car bearing No.AP 10 L 9152 of the petitioner in the motor accident which took place on 12.08.2003 at the outskirts of Kannala village while overtaking the tractor bearing No.AP 15 T 9590 and trailer No.AIK 9138.

3) The learned Chairman after hearing both sides and after perusing the material on record held that the petitioner would only be entitled only 50% of the compensation awarded in as much as he is owner of the offending vehicle and insurance company of his car is not made party to the proceedings and calculated an amount of Rs.1,70,634/- for the total damage caused to the car and awarded half of it Rs.85,317/- to the petitioner.

4) The appeal filed mainly on the ground that the compensation is utterly low and contended that there is no negligence on the part of the driver of the car and the total negligence on the part of the tractor-cum-trailer and hence prayed to enhance the compensation.

5) Heard both sides and perused the material on record. On perusal of the evidence apart from the documents placed before this Court, the petitioner failed to prove the total negligence only on the part of the driver of the tractor-cum-trailer. Coming to the damages, the car damaged is of the year 1999 make. The assessment made for the damage caused to the vehicle of the petitioner according to the report of

the insurance surveyor under Ex.A-5. Therefore, the finding of the Tribunal in apportioning the compensation holds good and there is nothing to interfere with the award of the Tribunal in arriving the quantum of compensation but for no cross-objections though the insurance company otherwise could succeed for liability beyond Rs.6,000/-.

6) In the result, the appeal is dismissed confirming the award dated 15.11.2007 in O.P. No.1504 of 2005 on the file of Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Warangal to execute by the claimant with joint liability. There shall be no order as to costs.

7) Miscellaneous petitions, if any pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 22-02-2016

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