

THE HON'BLE SRI JUSTICE N.R.L. NAGESWARA RAO

CIVIL MISCELLANEOUS APPEAL MISCELLANEOUS PETITION

No.17484 OF 2002

AND

M.A.CIVIL MISCELLANEOUS APPEAL No.1252 OF 2011

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J U D G M E N T:

The 1st respondent is remained *ex parte* in the lower tribunal.
Delay of 22 days in filing the appeal is condoned.

Admit.

Heard the counsel for the appellant Sri Subba Rao Korrapati,
and also counsel for the insurance company.

As can be seen from the order of the lower tribunal, the incident has happened due to the fault of the driver of the tourist bus as claimed by the appellant herein. The policy is not in dispute, which is marked as Ex.A.6. But, however, the lower tribunal has taken a view the petitioner has to file a suit for recovery of the damages to the property, which was involved in the incident. It is not disputed that the statutory liability of the insurance company shall not exceed Rs.6,000/- as per Section 147 of the Motor Vehicles Act. Therefore, at least to that extent, the lower tribunal should have accepted the claim of the petitioner questioning the estimates were given by the mechanic under Ex.A.4 and the evidence of the mechanic was also recorded and there is no contrary evidence on the side of the respondent.

Therefore, taking into consideration the above circumstances, the Civil Miscellaneous Appeal is allowed and the order of the lower Court is set aside and the claim of the petitioner is allowed for a sum of Rs.6,000/- with interest at 7.5% from the date of decree of the lower

tribunal till the date of realisation. There shall be no order as to costs.

N.R.L.NAGESWARA RAO, J

Date: 29-06-2011.

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