

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

C.M.A. No.2742 OF 2004

JUDGMENT:

In the present Civil Miscellaneous Appeal preferred, the petitioner/claimant as 'appellant' requests to grant balance amount, as an amount of Rs.45,000/- granted towards damages against Rs.1,00,000/- to the Jeep bearing No.AP-15-M-2008 in O.P. No.109 of 1991, dated 2.3.1993, passed by the II-Additional District Judge, Karimnagar (for short, 'the Tribunal') was inadequate for the reason that the surveyor himself, who is examined as P.W.3, has given a report estimating the damages at Rs.90,000/- for getting it repaired.

2. Heard Sri Y. Rama Rao, the learned counsel for the appellant and Sri A. Ravi Babu, the learned Standing Counsel for the Telangana State Road Transport Corporation.

3. Perused the order passed by the Tribunal. On Issue Nos.3 and 4, the said aspect was extensively dealt with in paragraph-8. The learned Chairman would refer to make of the Jeep as '1969' year and opining that the cost of it would have been anywhere from Rs.1,00,000/- to Rs.1,50,000/- and if depreciation value is calculated at the rate of at least 5% a year, the worth of it by '1990' will be almost 'zero', and if the petitioner was believed that he has purchased jeep at Rs.65,000/-, the scrap value of Rs.20,000/- can be deducted, and held that the petitioner would be entitled to Rs.45,000/-, and,

accordingly, granted the same by also specifically mentioning that the surveyor report does not disclose scrap value.

4. Now, the learned counsel would submit that the Tribunal went wrong in granting Rs.45,000/-, though report of the Surveyor would reflect the value of jeep as Rs.90,000/-. In fact except filing Ex.A15 report of Surveyor, no other documents have been filed to show that the jeep was got repaired and the report of the surveyor does not disclose the scrap value. even otherwise, the purchase value is Rs.65000/-, even according to the petitioner, as could be gathered from the observation made by the learned Chairman.

5. The purchase value and scrap value of Rs.45,000/- arrived at by the Tribunal cannot be faulted. Subsequent interest at 12% p.a. was also granted is on higher side, but there is no cross-objection of appeal preferred by the respondents 1 and 2.

6. Therefore, there are no merits in the present Civil Miscellaneous Appeal, and, accordingly, the same is dismissed. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the Civil Miscellaneous Appeal shall stand closed.

A. SHANKAR NARAYANA, J

Dt. 11.08.2017

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