

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

CIVIL MISCELLANEOUS APPEAL No.2625 OF 2004

JUDGMENT:

Requesting to enhance the amount of Rs.7,000/- granted by the Chairman, Motor Accidents Claims Tribunal - cum - District Judge, Nalgonda (for short 'Tribunal') to that of Rs.30,000/- as claimed towards repairs carried out to the motorcycle which was involved in the accident, the present appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 against the order and decree, dated 20.02.2003, in O.P. No.200 of 2002.

2. The appellant herein is the petitioner in O.P. No.200 of 2002, while respondent Nos.1 and 2, who are owner and insurer of Lorry bearing registration No.AP 16W 8182, respectively, are arrayed as such.

3. For the sake of convenience, the parties hereinafter referred to as they were arrayed in the aforesaid OP before the Tribunal.

4. Heard Ms. K. Rajitha, learned counsel for the appellant - petitioner, and Mrs. S.A.V. Ratnam, learned standing counsel for respondent No.2 - Insurer. The appeal against respondent No.1 was dismissed on 02.09.2011.

5. Though, the learned counsel for the appellant would seek to grant the amount of Rs.30,000/- claimed on the ground that Exs.A-8

to A-13 would prove, but the fact is that Ex.A-18 is registration of certificate, Ex.A-9 is only bills numbering two for repairs to the motorcycle, Ex.A-10 is the receipt for purchase of motorcycle, Ex.A-11 is Surveyor's report, Ex.A-12 consists of photographs showing damage caused to the motorcycle with negatives, and Ex.A-13 is estimation of damage to the motorcycle. There is no indication that repairs were really carried out by the petitioner, and that was the reason why the Tribunal did not accede to the request by recording a finding in paragraph No.17. When a definite finding was recorded by the Tribunal on appreciation of evidence, certainly, the said finding cannot be overturned unless it is patently wrong. There is no merit in the present appeal.

6. The present appeal is, accordingly, dismissed, confirming the order and decree passed by the Tribunal. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal shall stand closed.

September 04, 2017
Mgr

A. SHANKAR NARAYANA, J