IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[*Special Original Jurisdiction*]

THURSDAY THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND SEVENTEEN

PRESENT
HONOURABLE JUSTICE CHALLA KODANDA RAM

CMA.No. 2503 OF 2004

Between:

United India Insurance Co.Ltd.,
Represented by its Divisional Manager,
Nellore district. ... Appellant

V/s.

Kantrapati Sreenivas Chari & Anr. ... Respondents

Counsel for the appellant : Sri N.V. Jagannath

Counsel for the Respondents: : Sri P. Sridhar Reddy for R-1

The court made the following: [Judgment follows]

HONOURABLE JUSTICE CHALLA KODANDA RAM

CMA.No. 2503 OF 2004

J U D G M E N T :

This is an appeal filed by the United India Insurance Company Limited, Nellore, against the award and decree dated 28/06/2001 passed by the Motor Accident Claims Tribunal [District Judge], Nellore.

2. The second respondent's lorry bearing registration No.MWA-538 was involved in an accident on 21/12/1995 near Podalakur road centre and in the process the first respondent/claimant's Maruti Car bearing registration No.ABI-2400 was damaged. The licensed surveyor estimated damage to a tune of Rs.37,240/- and after depreciation of 50%, has determined the loss to the extent of Rs.18,620/- .

3. The claimant filed the OP before the Tribunal claiming a sum of Rs.25,899/- as incurred by him for the repairs. The claim of the first respondent was allowed by the impugned award and decree was passed by the Tribunal.

4. Before this Court, it was urged by the learned standing counsel for the appellant-Insurance company that the Tribunal has failed to

appreciate the documentary evidence i.e., Ex.A-9 and as per Ex.B-1 Insurance Policy, the liability of the Insurance company is limited to Rs.6000/- in case of damages. In those circumstances, the learned standing counsel submits that it is the owner's liability for damages and not the Insurance Company.

5. Sri P. Sridhar Reddy, learned counsel appearing for the respondents submits that even as per the admitted facts, the surveyor of the Insurance Company estimated the value of repairs to be Rs.37,240/- which is much nearer to the amount incurred for getting the vehicle repaired. He also further submits that the Tribunal had taken into consideration the fact that the claimant, whose vehicle was also insured, did not claim insurance claim from the second respondent lorry owner and the claim made by the claimant is a third party claim vis-à-vis the lorry owner, who is second respondent.

6. Being a third party, the claimant and the second respondent's vehicle having been insured comprehensively, the damage caused to the claimant, as rightly estimated, has been paid. Having considered the

respective submissions, it may be noted that the Tribunal had recorded a finding that as a matter of fact, the claimant/first respondent has incurred a sum of Rs.25,899/- in getting the vehicle repaired and further as rightly contended by the learned counsel for the respondent, the claimant, being a third party, claimed damages caused by the insured vehicle, the limitation fixed at Rs.6000/- has no application.

7. In those circumstances, this Court do not find any error calling necessity for interference by this Court. There is no merit in this appeal.

8. The Civil Miscellaneous Appeal is accordingly dismissed. No costs.

9. As a sequel, miscellaneous petitions if any, pending in this appeal shall stands disposed of.

JUSTICE CHALLA KODANDA RAM

23/11/2017
I s L

HONOURABLE JUSTICE CHALLA KODANDA RAM

CMA.No. 2503 OF 2004
(DISMISSED)

Date: 23/11/2017
Circulation No. 138
Court Master: I s L