

THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

M.A.C.M.A.No.45 of 2006

JUDGMENT:

This appeal is arising out of the Order and Decree, dated 26.10.2004, passed in O.P.No.480 of 1998 by the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge Anantapur. The appellant herein is the petitioner in the above said O.P and the second respondent is the National Insurance Company Limited.

2. In this appeal, for the sake of convenience, the parties are referred to as arrayed in O.P.No.480 of 1998.

3. Brief facts of the case, that are necessary for disposal of the present appeal, are as follows:

The petitioner filed the above said O.P claiming damages of Rs.85,000/- against the respondents. On 09-07-1998 at about 3.00 P.M while the petitioner's jeep coming from Gooty to Anantapur, after passing Pogarur village, one lorry bearing No.AP-02-T-0789 came in opposite direction in a rash and negligent manner and dashed against the jeep and caused damages to the vehicle.

4. The second respondent filed its counter denying its liability. It is contended that the first respondent did not report about the accident to the second respondent and he has not filed any records connecting the vehicle to the Insurance Company

after the accident and thus the first respondent had violated the terms and conditions of the policy and, therefore, the second respondent is not liable to pay the compensation to the petitioner. It is further contended that the second respondent do not admit the condition of the vehicle at the time of the alleged accident and the compensation claimed towards third party damages is highly excessive.

5. On behalf of the petitioner, P.Ws.1 to 3 were examined and examined and Exs.A-1 to A-3 were marked. On behalf of the respondents, Rw.1 was examined and Exs.B-1 & B-2 were marked.

6. The Tribunal, on consideration of the evidence available on record, awarded compensation of Rs.32,388/- with proportionate costs and interest at 9% per annum from the date of petition payable by the respondents.

7. Aggrieved by the order of the Tribunal, the appellant-petitioner preferred this appeal for enhancement of compensation.

8. Heard the arguments of Sri D.Seshasayana Reddy on behalf of the G.Ram Mohan Reddy, learned counsel for the appellant. No one appeared on behalf of the second respondent-Insurance Company. The claim against the first respondent has been dismissed vide court order dated 17-02-2017.

9. The point for consideration is – *Whether the appellant is entitled for enhancement of compensation?*

10. Learned counsel for the appellant submitted the appellant has claimed Rs.85,000/- towards damages caused to his vehicle and in support of his contention he has filed 16 bills issued by the mechanic, who was examined as PW.2, but the Tribunal has considered only a few bills which are affixed with revenue stamps and disallowed rest of the claim.

11. At the out set, it is obvious that the limited point arose for consideration is with regard to quantum of compensation. The observations of the Tribunal are based on evidence available before it. The Tribunal has observed in para.12 of the judgment that the petitioner has affixed revenue stamps only to the bills totaling to Rs.15,710/- i.e., S.Nos.12, 16 and 17 and for the rest of the amount other bills are produced, without revenue stamps, which are not necessary and relevant. It is also observed that the bills, which contain the value for more than Rs.500/-, revenue stamps have to be, invariably, affixed but in some bills the petitioner did not take receipts with stamps duly affixed. On this ground, the Tribunal has rejected the bills which do not contain revenue stamps.

12. Therefore, I do not see any valid grounds to interfere with the orders passed by the Tribunal in assessing the damages basing on the evidence available on record and, therefore, this appeal is liable to be dismissed.

13. Accordingly, this appeal is dismissed. No costs.
Miscellaneous petitions, if any pending, shall stand closed.

GUDI SEVA SHYAM PRASAD, J

Date: 08-09-2017
TSNR

