

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

C.M.A.No.1149 OF 2004

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellant-Insurance Company aggrieved by the order dated 21.11.2003 in O.P.No.430 of 2001 on the file of the Motor Accident Claims Tribunal-cum-I Additional District Judge, Cuddapah (for short, 'the Tribunal').

2. None appears for both sides though the appeal is listed under the caption 'for orders'. Since it is an appeal of the year 2004, the appeal can be disposed of on merits basing on the evidence available on record without waiting for the learned counsel to advance arguments.

3. The appellant herein is the insurance company. As seen from grounds of appeal, it is urged that the order under appeal is contrary to law and facts of the case. The Tribunal granted exorbitant sum of Rs.73,928/-. The assessment of damage to the vehicle is only Rs.16,803/-. The damaged tractor is old one. No depreciation is allowed. The grant of interest at 9% per annum is also exorbitant. The findings are based on surmises and conjectures and ultimately prayed to set aside the order.

4. While dealing with the subject matter, the Tribunal granted compensation of Rs.73,928/- with interest at 9% per annum from the date of application till the date of deposit for the damages caused to the tractor bearing No.AP 04 T 4830 when TATA SUMO bearing No.TN 02 D 3033 dashed to the stationed tractor. While determining the compensation, the Tribunal relied on the evidence of P.Ws.1 to 3 and the documents Ex.A1 certified copy of FIR, Ex.A2 certified copy of charge sheet and Ex.A3 bills. There is no rebuttal evidence on behalf of the

appellant herein. The appellant got marked Ex.B1 xerox copy of insurance policy and Ex.B2 loss assessment report. There is no oral evidence to prove Ex.B2 loss assessment report. The Tribunal in detail had examined the damage caused to the tractor and awarded compensation, which is based on evidence on record. There is nothing to take a different view. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

Date: 13.06.2018
ssp



Dr. SHAMEEM AKTHER, J