

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3524 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.1,05,630/- as against a claim of Rs.3,00,000/-, vide order, dated 03.11.2004, passed in O.P.No.754 of 2000 by the Chairman, Motor Accident Claims Tribunal-cum-I Additional District Judge, West Godavari at Eluru ('the Tribunal', for brevity), the claimant preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity), seeking enhancement of compensation.

2. Heard the learned Standing Counsel for the 3rd respondent-Insurance Company and perused the record. Despite listing this matter under the caption "For Orders", there is no representation for the appellant-claimant. This appeal is of the year 2005. Hence, this appeal can be disposed on merits, basing on the material available on record, without waiting for both the learned counsel for the appellant-claimant to advance arguments.

3. The learned Standing Counsel for the 3rd respondent-Insurance Company would contend that the Tribunal justified in granting a compensation of Rs.1,05,630/- in favour of the appellant-claimant after deducting depreciation of 35% keeping in view the model of the damaged van bearing registration No.AP-31-T-7293. There are no circumstances to vary the impugned order and ultimately prayed to dismiss the appeal by confirming the order under challenge.

4. As seen from the impugned order, The Tribunal, relying on the documentary evidence under Exs.A.6 and A.7 and the oral evidence on record, assessed the damage caused to the van bearing registration No.AP-31-T-7293 as Rs.1,70,201/-. The said finding of the Tribunal is based on record. There is nothing to take a different view. Admittedly, the model of the subject van bearing registration No.AP-31-T-7293 is 1994. So, the Tribunal rightly deducted 35% towards depreciation and Rs.5,000/- towards salvage and awarded a compensation of Rs.1,05,630/- in favour of the appellant-claimant. The Tribunal rightly assessed and granted compensation in favour of the appellant-claimant. There is nothing to take a different view. There are no circumstances to enhance the compensation. The appeal is devoid of merit and is liable to be dismissed.

5. In the result, the appeal is dismissed. No costs.

Pending Miscellaneous petitions, if any, shall stand closed.

05th September, 2018
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Dr. SHAMEEM AKTHER, J