THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.549 OF 2013

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Judgment and Decree dated 09.01.2007 passed in O.P.No.3190 of 2004 by the II Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that the appellant is the owner of auto bearing No.AP10U 2456. He gave the auto on lease to one M.Raghavender on daily rent. On 7.12.2003, while Raghavender was running the auto near Gunj Market, Bhongir, one DCM Van bearing No.AP28U 6508 came from the back side and dashed against the auto, as a result of which, the auto was badly damaged. The appellant filed the aforesaid OP against respondent Nos.1 and 2, owner and insurer of DCM Van, claiming compensation of Rs.1,00,000/- for the damages caused to his auto.

3. Before the Tribunal, respondent No.1 remained *ex parte.* Respondent No.2 filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the DCM Van and awarded compensation of Rs.34,500/- with

interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellant filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As against the claim of Rs.1,00,000/-, the Tribunal granted a sum of Rs.34,500/- towards damages caused to the auto of the appellant, which is just and reasonable. However, due to the accident, the auto underwent repairs for some period, for which, the appellant might have lost income. Therefore, this Court feels that granting of an amount of Rs.10,500/- to the appellant towards loss of income is just and reasonable. Except the said enhancement, the Judgment of the Tribunal remains unchanged.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is partly allowed, enhancing the compensation amount awarded by the Tribunal from Rs.34,500/- to Rs.45,000/-. The enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till realization. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 14.08.2019
TJMR