

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2096 of 2009

JUDGMENT:

This appeal is preferred by the appellant/claimant questioning the order of the Motor Accident Claims Tribunal-cum-III Additional District Judge, Karimnagar (for short, the Tribunal) in O.P.No.767 of 2006 dated 13-09-2007.

2. Brief facts of the case are that on 16-06-2006 when the claimant is riding his Tractor and Trailer which is being used for his livelihood and when he reached outskirts of Mandapali village Siddipet Mandal, one lorry bearing No.AP24U-9605 came in a rash and negligent manner and dashed against his trailer and due to which the trailer turned turtle and both the tractor and trailer completely damaged. Hence, he filed claim petition claiming compensation of Rs.1,50,000/- towards damages caused to his vehicle.

3. In the claim petition, the appellant-insurer filed a counter denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that claimant has to make the claim for the damage of his vehicle from the insurance company on his vehicle but not from the 2nd respondent-insurance company. Further since the claim is filed under Section 166 (1) (b) of the M.V.Act and since the claimant is being a third

party to the vehicle insured by the 2nd respondent, the liability of the 2nd respondent is only to the extent of Rs.6,000/- and accordingly granted Rs.6,000/- towards compensation. Aggrieved by the same, the claimant filed this appeal.

5. Heard.

6. It is a case of claimant for damages occurred to the tractor owned by the claimant. As seen from the case on hand, the claimant has not made out his case for considering enhancement of compensation since there is no evidence on record either oral or documentary in support of his claim. Hence, this Court is of the opinion that the order passed by the Tribunal is well considered and needs no interference.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

8. Miscellaneous petitions pending, if any, shall stand dismissed.
No order as to costs.

T.AMARNATH GOUD, J

Date: 06-08-2019
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