

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2539 OF 2009

JUDGMENT:

This appeal is filed by the appellant-claimant aggrieved by the Order and Decree dated 08.08.2008 passed in M.V.O.P.No.195 of 2007 by the Motor Accident Claims Tribunal-cum-II Additional District Judge, Warangal (for short, the Tribunal).

2. The brief facts of the case are that on 12.08.2006, while the appellant was traveling in India Car bearing No.AP20L 2835, and when the car reached Sahara Rice Mill near Geesukonda Bus Stand, Swaraj Mazda Van bearing No.AP16U 9760 came in opposite direction in a rash and negligent manner at high speed and dashed the car. The appellant filed the aforesaid MVOP claiming compensation of Rs.3,30,000/- against respondent Nos.1 and 2, the driver and the insurer of the Swaraj Mazda Van, respectively, for the damage caused to the car in the said accident.

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 Swaraj Mazda Van and awarded compensation of Rs.6,000/- 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. It is seen that as per the assessment given by the mechanic, the damage caused to the case is Rs.2,87,520/-, whereas as per P.W.2, Insurance Surveyor and Loss Assessor, the net damage is Rs.1,98,559/-. In those circumstances, the Tribunal, by relying on Section 147(2) of the Motor Vehicles Act, which prescribes a limit of Rs.6,000/- in respect of damage to any property of a third party, has granted an amount of Rs.6,000/- towards compensation. Moreover, no additional premium is paid by the appellant to cover the damages. Apart from the same, the decision of the Karnataka High Court in **Karnataka State Road Transport Corporation Vs. George Ninum**¹ is against the appellant.

7. A perusal of the order of the Tribunal reveals that the Tribunal passed a well considered order by taking into consideration all the aspects. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. In the result, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the order of the Tribunal. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 25.06.2019
TJMR

¹ 2001 ACJ 1095