

(2010) 08 AP CK 0022

Andhra Pradesh High Court

Case No: MACMA No. 890 of 2009

National Insurance Co., Ltd.,
Hindupur, Anantapur District

APPELLANT

Vs

M.P. Deepak and another

RESPONDENT

Date of Decision: Aug. 27, 2010

Citation: (2012) 4 ALD 500

Hon'ble Judges: G.V. Seethapathy, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

G.V. Seethapathy, J.

This appeal is directed against the order dated 23.1.2008 in OP No. 153 of 2006, on the file of the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge, Hindupur (for short "the Tribunal"), wherein the claim of first respondent herein was allowed-in-part, awarding compensation of Rs. 10,000/- with interest at 6% per annum from the date of petition. Heard the Learned Counsel for the appellant None appeared for the respondent. Perused the records.

2. The first respondent herein filed the claim application seeking compensation of Rs. 2 lakhs on account of damage caused to Eicher Van bearing No. AP 16W 9529 in a motor vehicle accident that occurred on 29.3.2005. According to the claimant, on that day, while the vehicle was proceeding from Hindupur to Chennai with a load of tamarind, on account of rash and negligent driving by its driver, the van dashed against a tree, resulting in damage to the vehicle. The driver also died in the accident. The first respondent claims to have spent Rs. 1,55,155/- for repairs.

3. The appellant-insurer filed written statement opposing the claim and denying their liability to pay the compensation.

4. Based on the above pleadings, the Tribunal framed the following issues:

(i) Whether the lorry of the petitioner bearing No. AP 16W 9529 damaged in a road traffic accident occurred on 30.3.2005 as alleged in the petition?

(ii) Whether the petitioner is entitled for compensation if so to what amount and from which of the respondents?

(iii) To what relief?

5. During enquiry, PW 1 was examined and Exs. A1 to A8 were marked on behalf of the claimant. RW 1 was examined and Ex. B1 copy of the policy was marked on behalf of the respondent-insurer.

6. On a consideration of the evidence available on record, the Tribunal awarded compensation of Rs. 10,000/-. Aggrieved by the same, the present appeal is filed by the insurer.

7. The Learned Counsel for the appellant would contend that the appellant is not liable to reimburse the cost of repairs, as there was no coverage and secondly the claim made is not supported by any evidence.

8. A perusal of the policy filed by the appellant would show that a sum of Rs. 3020-50 Ps was paid as premium covering "own damage". The contention of the Learned Counsel for the appellant that there is no coverage for "own damage" is, therefore, untenable. Secondly, the claimant has filed Ex. A4 copy of the quotation of vehicle parts, which showed the estimated cost of repairs. In fact, the Tribunal observed that Ex. A4 is only a quotation and does not denote that the parts mentioned therein were actually replaced. Having regard to the fact that the vehicle dashed against the tree and sustained damage, the Tribunal awarded compensation of only Rs. 10,000/- and the said amount cannot be considered to be either excessive or unreasonable.

9. In the circumstances, it is considered that the award passed by the Tribunal granting a sum of Rs. 10,000/-, does not call for any interference. In the result, the civil miscellaneous appeal is dismissed. There shall be no order as to costs.