
(1996) 12 AP CK 0023

In the Andhra Pradesh High Court

Case No : Appeal Against Order No. 355 of 1991

Oriental Insurance Co. Ltd.

APPELLANT

Vs

Murari Lakshmaiah and Another

RESPONDENT

Date of Decision : 05-12-1996

Acts Referred:

Motor Vehicles Act, 1939 — Section 92A
Motor Vehicles Act, 1988 — Section 140

Citation : (1997) 3 ALT 813

Hon'ble Judges : B.K. Somasekhara, J

Bench : Single Bench

Advocate : K. Subba Rao, for the Appellant; None, for the Respondent

Judgement

B.K. Somasekhara, J.—The Insurer of the vehicle No. TMU 2304 Involved in motor vehicle accident, which is found to be due to the negligence of the driver by the Motor Vehicle Accidents Claims Tribunal, Ongole in O.P. No. 114 of 1989, suffering an award dated 11-11-1990 to pay a sum of Rs. 12,000/- by way of compensation under no fault liability (Section 92-A of the Motor Vehicles Act, 1939 (for short "the Act") has questioned the correctness of the award in fixing so much of compensation.

2. There is no representation for the respondents.

3. Heard Mr. Kota Subba Rao, learned Advocate for the appellant.

4. It was a personal injury claim case filed by the Respondent No. 1 alleging that he suffered injuries and permanent disability and thereby claimed Rs. 30,000/- by way of compensation u/s 110-A of the Motor Vehicles Act, 1939. Although the Tribunal found that the accident occurred on 27-11-1988 while the claimant was travelling in the Van No. TMU 2304 and the claimant suffered the injuries and the permanent disability, during enquiry it was found that the claimant was travelling in the goods vehicle and therefore, there was no question of fault liability and that it was a case of no fault liability, and therefore, awarded Rs. 30,000/- by

way of compensation, however, restricting the liability of the appellant/insurer to the extent of Rs. 12,000/-. Aggrieved by that, the appeal is filed.

5. Mr. Subba Rao, learned Advocate for the appellant has pointed out that the date of the accident being 27-11-1988, the law in force as on that day was the Act No. 47 of 1982 which came into force on 10-12-1982 and the maximum amount to be awarded for no fault liability u/s 92-A, sub-clause (2) could not have been exceeded Rs. 7,500/-. The law was amended further by the 1988 Act repealing the old Act of 1939, which came into force on 1-7-1989, whereby the amount of no fault liability was enhanced to Rs. 12,500/- (sic. 12,000/-). On examining the implication of law as above, there remains no doubt that the amount to be awarded for no fault liability as on the date of the accident in this case could not have exceeded Rs. 7,500 /-. Having heard other grounds of appeal, this Court finds no merit in them. The appeal is accordingly allowed partly. The award of the Tribunal is modified only to the effect that the liability of the appellant to pay the compensation under the award shall not exceed Rs. 7,500/-. The rest of the award is confirmed. There shall be no costs in this appeal.