
(2000) 02 AP CK 0073
In the Andhra Pradesh High Court
Case No : A.A.O. No. 224 of 1996

United India Insurance Co. Ltd.	Vs	APPELLANT
R. Narayana Reddy and Another		RESPONDENT

Date of Decision : 29-02-2000

Acts Referred:

Motor Vehicles Act, 1988 — Section 147(2)

Citation : (2001) 1 ACC 570 : (2001) ACJ 1920 : (2000) 6 ALT 767

Hon'ble Judges : V. Eswaraiah, J

Bench : Single Bench

Advocate : K.L.N. Rao, for the Appellant; Janardhana Reddy, for the Respondent

Final Decision : Allowed

Judgement

V. Eswaraiah, J.—United India Insurance Company filed this Civil Miscellaneous Appeal against the judgment and decree in O.P. No. 659/92 dated 7-7-1995 on the file of the Motor Accidents Claims Tribunal (District Judge) Nizamabad. The first respondent is the claimant and owner of the tractor bearing No. ATJ 9249 and Trailer No. ATJ 9251. The second respondent is the owner of the lorry bearing No. MP 04 EO 886. The first respondent filed an application O.P. No. 659/92 before the Tribunal for the damage caused to the tractor on account of accident occurred on 16-6-1992 with the lorry of the second respondent. The Tribunal held that the accident was occurred due to rash and negligent driving of the driver of the lorry belonging to the second respondent in which the first respondent sustained injuries and also the tractor was damaged. It appears that the first respondent filed a separate O.P., claiming damages for the personal injuries and certain amounts have been awarded. In addition to the claim for personal injuries, the first respondent filed O.P. No. 659/92 towards damages caused to the vehicle and the Tribunal awarded a total sum of Rs. 27,000/- payable by the Insurance Company i.e., the appellant and also the 2nd respondent owner of the lorry.

2. Aggrieved by the said order, the Insurance Company filed the appeal

contending that as per Section 147(2)(b) M.V. Act the liability of the Insurance Company in addition to the liability payable for the personal damages shall be only Rs. 6,000/- in respect of damages to any property of the third parties. Therefore the liability of the appellant is limited for an amount of Rs. 6,000/- only in respect of damages to the property of the owner of the tractor.

3. Accordingly, I modified the order of the Tribunal limiting the liability of the Insurance Company to pay the compensation towards damages caused to the first respondent's tractor to an extent of Rs. 6,000/- only alone and the first respondent is entitled to recover the remaining amount from the second respondent. The order of the Tribunal is accordingly modified. The appeal is allowed as indicated above. No costs.