

Court No. - 2

Case :- FIRST APPEAL FROM ORDER No. - 138 of 2001

Appellant :- U.P.S.R.T.C. Aligarh

Respondent :- Madan Lal

Counsel for Appellant :- P.N.Rai,Jitendra Kumar,Mangla Prasad Rai,Sudhir Dixit

Hon'ble Saral Srivastava,J.

1. Heard learned counsel for the appellant.
- 2.The present appeal has been preferred against the award dated 06.11.2000 passed by the Motor Accident Claims Tribunal/Special Judge (E.C. Act), Etah in MACP No.300 of 1995.
3. Challenging the award, learned counsel for the appellant has contended that in the instant case, the tribunal has erred in law in holding sole negligence of driver of bus of UPSRTC in the accident. It is submitted that the accident had taken place between two vehicles coming from opposite direction and as it was a case of head on collision between two vehicles, therefore, the tribunal has erred in law in holding negligence of the driver of bus in the accident.
4. Be that as it may the tribunal in concluding the negligence of the driver of bus placed reliance upon the testimony of the claimant respondent who was injured in the accident. The claimant respondent produced one Shiv Shankar who was an independent witness and deposed before the tribunal that the driver of bus was driving it rashly and negligently which

caused the accident. The finding of the tribunal is based upon proper appreciation of facts and evidence on record and as the learned counsel for the appellant could not demonstrate that the finding of the tribunal on the issue of negligence is perverse and against the record, therefore, the submission of learned counsel for the appellant in respect of negligence of driver of other vehicle is devoid of merit and is rejected.

5. Consequently, the appeal lacks merit and is **dismissed**.

Order Date :- 6.11.2023

SS