

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CIVIL APPLICATION NO.12584 OF 2014
IN
FIRST APPEAL [ST] NO.31259 OF 2014

Divisional Controller,
N.W.Karnataka State Road,
Transport Corporation,
Bus Deopt Manager,
Bus Depot, Division Bijapur,
Tq. Bijapur, Dist.Gulbarga ..Applicant
Versus
Madhukar s/o. Dnyanoba Warade,
age 33 years, occ. Labour,
r/o. Sawata Nagar, Gevrai,
Tq. Gevrai, Dist.Beed ..Respondent

--

Mr.V.D.Gunale, advocate for applicant
None present for the respondent

--

CORAM : M.T. JOSHI, J.
DATE : MARCH 13, 2015

PER COURT :

Heard learned counsel for the applicant. None present for the respondent, though served.

2] For the reasons stated in the application, the delay caused in filing the appeal is condoned. The application is allowed.

[M.T. JOSHI, J.]

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**FIRST APPEAL [ST] NO.31259 OF 2014
WITH
CIVIL APPLICATION NO.12585 OF 2014**

Divisional Controller,
N.W.Karnataka State Road,
Transport Corporation,
Bus Deopt Manager,
Bus Depot, Division Bijapur,
Tq. Bijapur, Dist.Gulbarga ..Applicant

Versus

Madhukar s/o. Dnyanoba Warade,
age 33 years, occ. Labour,
r/o. Sawata Nagar, Gevrai,
Tq. Gevrai, Dist.Beed ..Respondent

--

Mr.V.D.Gunale, advocate for appellant/applicant
None present for the respondent

--

**CORAM : M.T. JOSHI, J.
DATE : MARCH 13, 2015**

PER COURT :

Heard learned counsel for appellant. None
present for the respondent, though served.

2] Aggrieved by the direction pay compensation of
Rs.51,840/- to the claimant in the proceedings

under Section 166 of the Motor Vehicles Act, the owner of the bus has filed present appeal challenging the findings of involvement of the bus, quantum of compensation as well as the claim of the respondent / claimant.

3] Perused the findings of learned Member of the Motor Accident Claims Tribunal.

4] It is an admitted fact that immediately after the accident, report with the police was filed. Even the charge sheet was filed against the driver of the bus. The bus driver also, in his cross-examination, has admitted about filing of the FIR and charge sheet against him. In the circumstances, there is no arguable case as regards non-involvement of the bus owned by the present appellant in the accident.

5] As regards the quantum of compensation, it was proved before learned Member of the Motor Accident Claims Tribunal, that the respondent/claimant was 28 years of age at the time of the accident and he has suffered 8% permanent disability due to the said accident. The Doctor was examined. The claimant suffered fracture to right tibia.

Therefore, considering the age of the respondent/complainant, compensation of Rs.51,840/- was granted by the learned Member. In that view of the matter, there is no arguable case as regards the quantum of compensation also.

6] In the circumstances, considering the overall material on record, the appeal is dismissed without any order as to costs.

6] In view of dismissal of the appeal, the application for grant of stay does not survive and stands disposed of. The interim stay granted earlier stands vacated.

7] The respondent would be at liberty to withdraw the amount deposited by the appellant, if any, either in this court or in the tribunal.

[M.T. JOSHI, J.]

kbp