

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.1112 OF 2011

JUDGMENT:

The 1st respondent-APSRTC represented by its Managing Director, in M.V.O.P.No.869 of 2007(2nd respondent is the driver of crime bus bearing No.AP 10 Z 5765) on the file of the Chairman, Motor Accidents Claims Tribunal–cum-Il Addl. District Judge, Warangal (for short, ‘the Tribunal’) for the claim maintained under Section 166 of the Motor Vehicle Act,1988 (*for short, ‘the Act’*), by the claimant-injured for compensation of Rs.3,35,000/-(Rupees three lakhs thirty five thousand rupees only), aggrieved by the award dated 12.01.2011 of the tribunal for granting compensation of Rs.1,52,690/- with interest at 6%p.a. by fixing joint liability against both the respondents, preferred the present appeal with the contentions in the grounds of appeal as well as during the course of hearing that the tribunal gravely erred in not considering the factum of the injured himself was negligent while crossing the road and fell down on seeing the bus coming but bus was touched, that the compensation is excessive and exorbitant to reduce besides fixing of proportionate contribution on the part of the claimant/injured, hence to set aside the award of the tribunal.

2. Whereas, it is the contention of the learned counsel for the claimant from the endorsement as the 2nd respondent-Driver is not necessary party, that the award of the tribunal is just and there is nothing to interfere and perused the material on record.

3. The tribunal is right in its conclusion in issue No.1 that the accident was the result of rash and negligent driving of the 2nd respondent-driver when dashed the injured while crossing the road for no fault of injured and thereby the 1st respondent-APSRTC is responsible to indemnify the driver-R.2, hence jointly made liable. Coming to the quantum is concerned, from the Ex.A.3 wound certificate and Exs.A.5 and A.6 discharge summaries speak that he

sustained fracture of right leg and fracture to vertebra besides three other simple injuries, for which what the tribunal awarded of Rs.59,000/- for the medical expenses covered by operations in two hospitals also proved from the evidence of P.Ws. 3 and 4 including under various heads like treatment, hospital expenses, loss of earnings and extra nourishment etc., in all awarded of Rs.1,52,690/- with interest at 6%p.a. is just and in fact, there is nothing to interfere with the quantum of compensation awarded by the tribunal.

4. In the result, the appeal is dismissed with no costs. Consequently, miscellaneous petitions, if any, pending in this appeal, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 28.12.2015

Vvr