

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No 373 of 2012

JUDGMENT :

This appeal is filed by the appellant-A.P.S.R.T.C/respondents aggrieved by the order dated 23.07.2008 in M.V.O.P.No.1946 of 2006 on the file of Chairman, Motor Accidents Claims Tribunal-cum-Chief Judge, City Civil Courts, Hyderabad.

2) Heard the learned counsel for the A.P.S.R.T.C vis-à-vis the respondents/claimants. The claimants are five in number filed the claim petition for the death of one Md.Yakub, husband of claimant No.1, father of claimants 2 to 4, son of claimant No.5, aged about 32 years. As per Ex.A-4 post mortem report of the accident dated 09.09.2006 from the involvement of the auto with the bus of the R.T.C the Tribunal fixed the liability on the R.T.C as the accident was resulted due to the rash and negligent driving of the driver of the bus. It is the contention of the learned counsel for the appellant that the auto driver violated by overloading with eight passengers and contributed the accident, that even 20% is taken as contribution, for the accident, of the auto driver also what the Tribunal awarded of Rs.4,30,000/- with interest at 7.5% p.a. no way requires interference and the appeal is liable to be dismissed.

3) In the result, the appeal is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

09.12.2015
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