

HON'BLE SRI JUSTICE S.V. BHATT

M.A.C.M.A. No. 1574 OF 2005

Date: 04-11-2015

Between:

APSRTC., rep., by its Regional Manager,
Kurnool.

... Appellant

And

Mandla Anjaneyulu.

... Respondent

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HON'BLE SRI JUSTICE S.V. BHATT

M.AC.M.A. No. 1574 OF 2005

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JUDGMENT:

This appeal is directed against the common judgment in M.V.O.P.No.362 of 2003. The sole respondent in M.V.O.P.No.362 of 2003 is the appellant. M.V.O.P.No.362 of 2003 and M.V.O.P.No.363 of 2003 are filed claiming compensation for the casualties in the accident that occurred at 8.00 a.m. on 06.04.2003.

The parties are referred as arrayed in the O.P.

M.V.O.P.No.363 of 2003 was filed by Mandla Anjaneyulu/petitioner - husband of deceased Mandla Chandramma. M.V.O.P.No.362 of 2003 was also filed by him claiming compensation for the death of his daughter – Mandla Bangaramma.

The circumstances, as set out in the claim petition, are that the petitioner, his wife and daughter boarded jeep bearing No.APK-4706 to go to Nainonipalli Maisamma temple to discharge their vow. When the family was returning home from Nainonipalli Maisamma temple and the jeep reached Vanapatla gate at about 3.00 p.m., an RTC bus bearing No.AP-10Z-5995, which was proceeding from Nagar Kurnool to Kollapur, hit the jeep bearing No.APK-4706. In the accident, the wife and the daughter of petitioner died on the spot. The age of petitioner's wife was 25 years and the age of his daughter was one year. The respondent joined issue, primarily on the prospects of deceased Bangaramma, her health condition and her earning capacity in future.

The Tribunal framed the following issues for consideration.

"M.V.O.P.No.362 of 2003:-

- (1) Whether the accident that occurred on 06.04.2003 at about 3.00 p.m., at Vanapatla Gate, which resulted in the death of the deceased Mandla Bangaramma, was on account of the rash and negligent driving of the APSRTC bus AP 10/Z-5995 by its driver or the jeep APK-4706 by its driver or both?
- (2) Whether the petitioner is entitled for the claimed amount of Rs.1,00,000/-? If not, how much and against whom?
- (3) To what relief?"

Petitioner examined himself as PW.1 and one Narla Shankar as PW.2 and exhibited A1 to A7 documents. The respondent examined one M.D. Reddy as RW.1 and did not choose to mark documentary evidence. The appeal is filed challenging the quantum of compensation of Rs.52,000/-.

Learned counsel for the appellant contends that the award of compensation of Rs.52,000/- to petitioner for the loss of his one year old girl is illegal and unsustainable. The challenge to quantum of compensation awarded by the Tribunal should satisfy the appellate Court that the compensation awarded by the Tribunal is

neither just nor proper and that grant of excess compensation is a fortuitous circumstance created in favour of the claimant.

Considering the findings recorded by the Tribunal in the common judgment, dated 24.06.2004, *prima facie*, I am of the view that no exception can be taken to the award of Rs.52,000/- as compensation under various heads to petitioner due to the death of his daughter. The award of compensation is reasonable and the respondent failed to make out any ground for interference.

Appeal is dismissed. No order as to costs.

Miscellaneous petitions, if any, shall also stand dismissed.

S.V. BHATT, J

Date: 04.11.2015

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