

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 281 OF 2013

M.S.R.T. Corporation, Thane
Divisional Office

.....Appellant
(Orig. Respondent no.1)

V/s.
Kumar Ramesh Sharma & Ors.

.....Respondents
(No. 1 Orig. Claimant & No.2
and 3 Orig. Respondents)

* * * * *

Mr. P.G. Lad, a/w. Ms. Sayli Apte, Advocate for the appellant

Coram :- Smt. R.P. SondurBaldota, J.

13th April, 2016.

P.C. :-

1). This Appeal challenges the order dated 31st March, 2011 by which the Motor Accidents Claim Tribunal, Thane awarded compensation in the sum of Rs. 22,28,200/- to the claimant/respondent no.1 with interest at the rate of 7.5% p.a. from the date of the petition till realisation. The Tribunal holds the appellant, MSRTC liable to pay the entire compensation to respondent no.1 and exonerates respondents no.2 and 3 from any liability of paying compensation.

2). Mr. Lad, the learned Advocate for the appellant submits that since the accident had occasioned on account of head-on collusion, the Tribunal ought to have held that the drivers of both the vehicles were equally negligent and responsible for the accident and apportioned the

compensation equally. He submits that, the complainant himself in his evidence has stated that the drivers of both the vehicles were negligent. The Tribunal has ignored the evidence of respondent no.1 and accepted and relied upon the panchanama of the place of the accident for holding that the bus owned by the appellant alone was responsible for the accident.

3). The spot panchanama, shows that the bus owned by the appellant was on the wrong side of the road and that the other vehicle was coming from its right side of the road. The bus dashed against the truck with such a force that the truck turned turtle. The Tribunal, has also noted that, the bus went towards its wrong side in the process of overtaking another truck and gave violent dash to the other vehicle. This finding of the Tribunal being completely justified by the spot panchanama, there can be no infirmity as regards the finding on the exclusive liability of the appellant to pay compensation to respondent no.1. The appeal does not raise any contention that merits consideration. Hence, the First Appeal is dismissed.

3). With dismissal of the First Appeal, Civil Application No. 4180 of 2011 does not survive. The same is disposed off.

(SMT. R.P. SONDURBALDOTA, J)