

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.139 of 2010

JUDGMENT:

The respondents/ Andhra Pradesh State Road Transport Corporation (for short 'APSRTC'), aggrieved by the award of the tribunal dated 25.01.2008 in O.P.No.2209 of 2005 maintained by the injured claimant, for a compensation of Rs.2,00,000/- since awarded Rs.1,20,000/- with interest at 6%p.a., maintained the appeal, with the contentions in the grounds of appeal that the tribunal gravely erred in awarding exorbitant amount and failed to consider there is no negligence of the driver of the bus but for negligence of the injured, who was the pillion rider of the bike with heavy luggage in between and thereby set aside the award of the tribunal and exonerate the APSRTC from the liability by allowing the appeal.

2. The learned counsel for the appellants/ APSRTC reiterated the same.

3. Whereas, it is the submission of the learned counsel for the claimant/ respondent that the award of the tribunal holds good and there is nothing to interfere with the award of the tribunal but for no cross objections, what was the compensation awarded is utterly low, hence to dismiss the appeal.

4. Heard and perused the material on record.
5. The evidence of PW.1, eye witness coupled with Ex.A1-F.I.R. and Ex.A2-charge sheet, when clearly speak the manner of accident in rightly coming to the conclusion by the tribunal of outcome of rash and negligent driving of the driver of the bus, who was not examined even, for this Court on that finding there is nothing to interfere.
6. Even coming to the quantum of compensation, from the evidence of PW.2-doctor coupled with Ex.A4-wound certificate, Ex.A3-case record, Ex.A5-discharge summary and Ex.A7-disability certificate even mentioned as 40% disability, the tribunal rightly taken 10%disability in coming to the conclusion in awarding the amount of Rs.1,20,000/- as compensation, there is nothing to interfere while sitting in the appeal.
7. Accordingly and in the result, the appeal is dismissed. There is no order as to costs.
8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:20.10.2016
pab