

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

M.A.C.M.A.No.110 of 2010

JUDGMENT:

The respondents/ Andhra Pradesh State Road Transport Corporation (for short 'APSRTC'), aggrieved by the award of the tribunal dated 17.11.2009 in O.P.No.415 of 2007 maintained by the claimants/ parents of the deceased-Syed Pasha @ Jamir Pasha, for a compensation of Rs.6,00,000/- since awarded Rs.2,30,000/- with interest at 7.5% p.a., maintained the appeal.

2. The contentions in the grounds of appeal vis-à-vis oral submissions of the learned counsel for the appellants/ APSRTC are that the tribunal gravely erred in ignoring the evidence of PW.3 in categorical terms deposed of the bus not at all involved in the accident and the insurer and other person taking the old material and scrap for sale, while proceeding parallel, fell down from which they sustained injuries, as one physically challenged person asked to stop the bus thereby it was implicated falsely, as if involved in the accident and the tribunal gravely erred in fixing the liability.

3. Whereas, it is the submission of the learned counsel for the claimants/respondents that the award of the

tribunal holds good and there is nothing to interfere with the award of the tribunal, hence to dismiss the appeal.

4. Heard and perused the material on record.

5. The Post mortem report-Ex.A4 para No.9 clause No.(e) clearly shows there is a crush injury to the head of the deceased and pierced out the skull there from and there are even multiple fractures including on the chest besides head crush injury and laceration from perusal of the Post mortem report column No.11 and the death was stated due to said crush injury to the head and fracture of right frontal. Hence, suffice to say the deceased was succumbed to the injuries crushed under the wheels of the vehicle atleast of the back wheel and the tribunal once came to the conclusion, for this Court while sitting in appeal, there is nothing to interfere with the finding or quantum.

6. Accordingly and in the result, the appeal is dismissed. There is no order as to costs.

7. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

Dr. B. SIVA SANKARA RAO, J

Date:20.10.2016
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