

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.1252 of 2005

JUDGMENT:

This appeal is preferred by the respondent APSRTC in M.V.O.P.No.446 of 1999 on the file of the Court of the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Tirupati (for short, Tribunal).

2. The said MVOP was filed by the respondent herein claiming a compensation of Rs.3,50,000/- for the injuries sustained by her in a motor accident that occurred on 30.06.1998. It was stated in the said MVOP that on 30.06.1998 at about 8.45 pm., while she, along with her relatives, was traveling in APSRTC bus bearing No.AP9Z 7661 to go to Nellore and when the bus reached near Auto Nagar on Renigunta-Tirupati road, another APSRTC bus bearing No.AP10Z 2773 came in opposite direction and dashed the bus wherein the respondent (petitioner therein) was traveling, as a result of which, the respondent sustained grievous injuries. She was immediately taken to SVRRGG Hospital, Tirupati. She was aged about 26 years on the date of the accident. She was doing milk business and running a tiffin centre and earning an amount of Rs.150/- per day. She has got two sons. Her husband is a physically handicapped person and she is the sole bread winner in the family, but her life became miserable due to the accident. A counter was filed by the APSRTC stating that the accident occurred due to intervention of a cyclist, and for avoiding him, sudden breaks were applied by the driver of the bus. And as it was raining, due to inclement weather, the vehicle has skid and hit the right side of the bus in which the respondent was travelling. The respondent was stated to have suffered simple injuries.

3. The Tribunal framed the following issues.

- "1. Whether driver of respondent drove the R.T.C. bus bearing No.AP10Z 2773 of Puttur depot rashly, negligently and dashed against R.T.C. bus

bearing No.AP9Z 7661 on Renignta road near Auto Nagar, on 30-6-1998 at 8-45 p.m. and caused multiple injuries to petitioner?

2. Whether the petitioner is entitled to compensation, as prayed for?

3. To what relief?"

4. The respondent herein got herself examined as P.W.1 and examined one Dr.S.Vidya Sagar as P.W.2 and got marked Exs.A.1 to A.10 on her behalf. The driver of the bus which caused the accident was examined as R.W.1.

5. The injuries sustained by the respondent are as follows:

- "1. Fracture of both bones of left forearm.
2. Fracture both bones of right leg.
3. Fracture both bones of left leg.
4. Crush injury of left foot with exposure of tendons on dorsal aspect.
5. Posterior dislocation of right hip."

This was supported by Ex.A.2. The respondent was initially admitted in SVRRGG Hospital, Tirupati on 30.05.1998 and was discharged on 19.09.1998. She was again admitted on 11.10.1999 and a surgery was performed on 20.10.1999 and she was discharged on 01.11.1999. Lastly she took treatment as in-patient for a period of 19 days. She filed Ex.A.7 certificate issued by the Chairman, Medical Board for Physically Handicapped, D.S.R. District Headquarters Hospital, Nellore and Civil Surgeon Specialist (Ortho), D.S.R. District Headquarters Hospital, Nellore to prove her permanent disability. As per the said certificate, she sustained 40% permanent disability due to fractures. She underwent surgical operation for six times. This was spoken by P.W.2.

6. The Tribunal, on the basis of the oral and documentary evidence, held that the accident occurred due to rash and negligent driving of the driver of the bus bearing No.AP10Z 2773.

7. With regard to compensation, the Tribunal though initially arrived at

Rs.5,83,200/-, but however taking into the consideration the permanent disability of 35%, it ultimately arrived at Rs.2,04,120/-. The Tribunal also awarded an amount of Rs.7,408/- towards transportation charges, Rs.14,936/- towards medical bills, Rs.5,000/- towards extra nourishment, Rs.400/- towards damage of clothes, Rs.15,000/- towards pain and suffering and Rs.15,000/- towards permanent disability. Thus, in all, an amount of Rs.2,61,864/- was awarded by the Tribunal, by award dated 07.02.2005.

8. Keeping in view the six surgical operations under went by the respondent and the nature of injuries sustained by her, it cannot be said that the compensation is on high side. Further, she is the sole bread winner in the family and her husband is a physically handicapped. She is running the family by running a tiffin centre and doing milk business.

9. In the circumstances, this Court feels that the compensation awarded by the Tribunal is just and proper in the facts and circumstances of the case and hence the appeal is dismissed. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 25.01.2016
TJMR