

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.532 OF 2009

JUDGMENT:

The erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC), sole respondent in O.P. No.833 of 2002, on the file of the Chairman, Motor Accidents Claims Tribunal - cum – IV Additional District Judge (Fast Track Court), Mahabubnagar (for short 'the Tribunal'), preferred the instant appeal under Section 173 of the Motor Vehicles Act, 1988 (for short 'the Act'), aggrieved over order and decree, dated 06-03-2007, whereby and whereunder a sum of Rs.54,000/- with interest at 7.5% per annum thereon was granted as compensation for the injuries sustained by the respondent herein as against the claim of Rs.2,50,000/- laid under Section 166 of the Act, seeking to set aside the same.

2 . The appellant herein is respondent, while respondent is petitioner in O.P. before the Tribunal.

3. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in OP before the Tribunal.

4. The facts would show that on 22-06-1998, the

petitioner boarded an RTC bus bearing registration No.AP 10Z 2850 of Shadnagar Depot at Jadcherla to go to Hyderabad, and when it reached Raikal village limits at about 7.45 a.m., another RTC bus bearing registration No.AP 10Z 1438 belonging to Atmakur Depot coming in opposite direction, hit it, due to which, he received injuries and other passengers also received injuries and two of them died. The petitioner claiming that he was 28 years old on the date of accident, earning Rs.2,000/- per month and suffered loss of earning capacity due to the injuries, sought a sum of Rs.2,50,000/- as compensation.

5. The claim was opposed by the respondent Corporation raising certain pleas.

6. The Tribunal framed three issues.

7. During inquiry, PWs.1 and 2 were examined and Exs.A-1 to A-6 were marked on behalf of petitioner. No witnesses were examined and no documents were filed on behalf of the respondent.

8. On appraisal of evidence, the Tribunal held issue No.1 in favour of the petitioner. On issue No.2, the Tribunal having found from Exs.A-3 and A-4, that the petitioner was initially admitted in Government Hospital at Shadnagar on 22-06-1998, and from there, he was referred to Osmania General Hospital, Hyderabad on the

same day and there, he was treated for one-day and again he was sent to Apollo Hospitals, Hyderabad, where he was treated as in-patient with I.P. No.06/733 reflecting that he sustained head injury and fracture of third and fourth ribs and discharged on 23-07-1998, and keeping in view, the nature of injuries sustained by the petitioner, granted Rs.25,000/- towards pain and suffering; Rs.20,000/- towards medical expenses, besides Rs.5,000/- towards extra nourishment and transport charges and another sum of Rs.4,000/- towards loss of temporary earnings for two months at Rs.2,000/- per month. Thus, a total sum of Rs.54,000/- was granted with interest at 7.5% per annum thereon as compensation against the Corporation.

9. It is the aforesaid order which is challenged by the Corporation in the instant appeal contending that the medical bills ought not to have been considered, and that the Tribunal ought not to have awarded Rs.4,000/- towards loss of earnings and the amount of Rs.25,000/- awarded was on higher side.

10. Neither there was representation for the appellant - Corporation, nor on behalf of respondent.

11. Perused the order and the material on record, both, oral and documentary.

12. When kept in view, that the petitioner was treated in Apollo Hospital, Hyderabad and Exs.A-3 and A-4 reflecting that he sustained fracture of third and fourth ribs and head injury, certainly, the amount of Rs.54,000/- granted by the Tribunal cannot be viewed as excessive or arbitrary. There is absolutely no merit in the appeal.

13. Accordingly, the appeal is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the appeal, stand disposed of.

A. SHANKAR NARAYANA, J

July 18, 2016.

Mgr