

HONOURABLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.346 of 2010

JUDGMENT:

Appellants are the claim petition respondents 2 and 3-Andhra Pradesh State Road Transport Corporation (for short 'APSRTC'). The claim filed was from alleged rash and negligent driving of the 1st respondent-driver of the bus bearing No.AP 10Z 3461 of the APSRTC in O.P.No.480 of 2007 by the injured claimant under Section 166 of the Motor Vehicles Act (for short 'the Act'), for a compensation of Rs.1,00,000/- . It is from the contest by the APSRTC since awarded by the tribunal of Rs.67,200/- with interest at 8.5% p.a. vide award dated 15.09.2009, impugning the same, the present appeal is filed. The contentions in the grounds of appeal vis-à-vis oral submissions of the learned counsel for the APSRTC-appellants are that the Court below went wrong in relying on Ex.A1-FIR and Ex.A2-charge sheet to hold that the bus driver was responsible for causing the accident from his rash and negligent driving also from the P.W.1-injured's self-serving testimony even there is no worth evidence to believe the same and thereby the award is unsustainable so also quantum and rate of interest to reduce.

2. Whereas, it is the submission of the learned counsel for the claimant that the award of the tribunal holds good and for this Court while sitting in appeal, there is nothing to interfere and hence to dismiss the appeal.

3. Heard and perused the material on record.

4. The finding of the tribunal is from the evidence of PW.1-injured, eye witness of the accident with reference to Ex.A1-FIR and Ex.A2-charge sheet against the driver and there is no oath against oath including by examination of driver undisputedly and thereby it no way requires interference but for on the quantum and rate of interest.

5. So far as rate of interest at 8.5%p.a. concerned, it is required to reduce to 7.5% p.a. as per *Rajesh Vs. Ranbir Singh*¹ and *TN Transport Corporation v. Raja Priya*².

6. Now coming to the quantum of compensation, the injured sustained fracture to the left lower limb, which is described as grievous as per Ex.A3-wound certificate and in fact Ex.A11-bill itself is more than Rs.12,600/- and Ex.A11 shows another operation is required for removal of implants and she undergone treatment as in-patient and was bed ridden for nearly two months. Thus, there is nothing to reduce even the compensation awarded of Rs.67,200/-.

7. Accordingly, the appeal is partly allowed while confirming the quantum and liability, however by reducing the rate of interest from 8.5%to 7.5%p.a. In other respects, the award of the tribunal holds good. No order as to costs.

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

Dr. B. SIVA SANKARA RAO, J

Date:01.11.2016
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¹ 2013 ACJ 1403

² (2005) 6 SCC 236