

SMT. JUSTICE T. RAJANI

M.A.C.M.A. No.3639 OF 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the respondents in the lower Court, assailing the judgment of the XXII Additional Chief Judge, Hyderabad in O.P.No.2650 of 2004 dated 24-01-2006 on the ground that the lower Court failed to appreciate that there was contributory negligence on the part of the deceased and that the lower Court ought to have taken the income of deceased as Rs.3,000/- per month.

Heard learned counsel for the appellants and respondents.

A perusal of record would show that the respondents did not adduce any evidence on their behalf to counter the evidence of Pw.2 who is an eye-witness, who stated that the accident occurred due to sheer negligence of driver of APSRTC bus. Hence, there cannot be any reason for this Court to differ with the judgment of the lower Court with regard to negligence. So also the plea with regard to income that was taken by the lower Court. Strangely while the income taken by the lower Court is Rs.3,000/- per month, the ground taken by the appellants is that the lower Court ought to have taken the income of the deceased at Rs.3,000/- per month. Hence, there is absolutely no reason to interfere with the judgment of the lower Court.

In view of the above, the appeal is dismissed. As a sequel, miscellaneous petitions if any, pending in this appeal shall stand closed.

T. RAJANI, J