

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A. C.M.A. No.317 OF 2014

JUDGMENT:

The present Civil Miscellaneous Appeal is preferred under Section 173 of the Motor Vehicles Act, 1988, by Karnataka State Road Transport Corporation, Bidar, Karnataka State, questioning the compensation awarded by the learned Chairman, Motor Accidents Claims Tribunal - cum - I Additional District Judge, Medak, Sangareddy, by the order dated 21.07.2010, in M.V.O.P. No.45 of 2009, whereby and whereunder, the learned Chairman, granted a compensation of Rs.4,00,000/- as against the claim of Rs.6,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988, by respondent Nos.1 to 7 herein - claimants.

2. Heard Sri P. Vinayakaswamy, learned counsel for the appellant viz., Karnataka State Road Transport Corporation, and Sri C. Pratap Reddy, learned counsel for respondents 1 to 7 - claimants, and perused the material on record.

3. Sri P. Vinayakaswamy, learned counsel for the appellant viz., Karnataka State Road Transport Corporation, would place reliance in **Goli Veera Reddy v. Yerakareddy Yesu Reddy**¹, a learned single Judge of this Court on the ground that there was triple

¹ 2004 (4) ALD 447

riding and on account of triple riding, there was contribution by the rider for taking place of the accident, reduced the compensation to the extent of 25% attributing contributory negligence to the driver of the vehicle being triple riding.

4. Sri C. Pratap Reddy, learned counsel for the respondents - claimants, would place reliance in **United India Insurance Company Limited v. Chendri Ramaiah**², where triple riding was there, held as not a factor to cull out negligence or contributory negligence. Likewise, same proposition has been occurring in **Kumari K. Pushpa Latha v. E. Murali Manohar Rao**³, **D. Vasheeda v. V. Babakka**⁴, and **Meera Devi v. Himachal Pradesh Road Transport Corporation**⁵.

5. When such is the legal principle laid down in the rulings relied on by the learned counsel for the respondents, certainly, the fact that triple riding contributed to the accident is no ground to reduce the compensation awarded. Thus, there is no merit in the present appeal.

6. Therefore, the Civil Miscellaneous Appeal is dismissed confirming the order under challenge.

² 2011 (2) ALD 3

³ 2013 (2) ALD 659

⁴ 2012 (6) ALD 688

⁵ (2014) 4 SCC 511

As a sequel thereto, Miscellaneous Applications, if any, pending in the present appeal stand dismissed.

A. SHANKAR NARAYANA, J

November 21, 2017.

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