

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHARA PRADESH

* * *

M.A.C.M.A.Nos.189 and 2667 OF 2006

MACMA.No.189 of 2006 :

Between:

Naseemunnisa Begum and others.

.....Appellants

And

Puligadda Narasimha and others.

..... Respondents

MACMA.No.2667 of 2006 :

Between:

The A.P. State Road Transport Corporation,
Rep. by its Managing Director, Administrative Building,
Mushirabad, Hyderabad and another.

.....Appellants

And

Naseemunnisa Begum and others.

..... Respondents

Date of Judgment pronounced on : 06.10.2017

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

1. Whether Reporters of Local newspapers
May be allowed to see the judgments? : Yes/No
2. Whether the copies of judgment may be marked
to Law Reporters/Journals: : Yes/No
3. Whether The Lordship wishes to see the fair copy
Of the Judgment? : Yes/No

HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

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!Counsel for the appellants : Smt. S. Vani

^ Counsel for the respondents : Sri C. Sunil Kumar Reddy
SC for APSRTC

? Cases referred

1. MANU/ SC/ 7680/ 2008

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**M.A.C.M.A. Nos.189 and 2667 of 2006****COMMON JUDGMENT :**

Aggrieved by the order and decree dated 11.07.2005 in O.P.No.2398 of 2002 passed by the II Additional Chief Judge, City Civil Court, Hyderabad, granting compensation of Rs.5,56,000/-, as against the claim of Rs.11,00,000/-, with interest @ 9% per annum for the death of the deceased – Mirza Yousuf Baig in a motor accident that occurred on 12.01.2002 with APSRTC Bus bearing No.AAZ 4659, while the petitioners in the aforesaid O.P. filed MACMA.No.189 of 2006 seeking enhancement of compensation, respondent Nos.2 and 3 – A.P. State Road Transport Corporation (for brevity “the Corporation”) in the O.P. filed MACMA.No.2667 of 2006 seeking to set aside the impugned order dated 11.07.2005 as the compensation amount granted by the Tribunal is highly excessive and exorbitant.

2. For the sake of convenience, the parties are referred to as they were arrayed in O.P.No.2398 of 2002 before the Tribunal.

3. The brief facts of the case are that the petitioners are widow, son and father of the deceased – Mirza Yousuf Baig. They filed the aforesaid O.P.No.2398 of 2002 claiming

compensation of Rs.11,00,000/- stating that on 12.01.2002 while the deceased – Mirza Yousuf Baig was standing in Sanathnagar Bus Stand and waiting for bus, suddenly APSRTC Bus bearing No.AAZ 4659 coming from SBH, proceeding towards Sanathnagar Bus Stand, came in high speed and in a rash and negligent manner and hit the deceased and others. As a result, the deceased sustained multiple injuries and died on the spot.

4. Respondent No.1, who is the driver of the offending Bus set exparte and respondent Nos.2 and 3 – Corporation filed counter denying its liability. The Tribunal, on consideration of the evidence and material available on record, granted compensation of Rs.5,56,000/- as against the claim of Rs.11,00,000/- with interest @ 9% per annum from the date of the petition till the date of deposit of the amount in the Court and apportioned the same among the petitioners. Challenging the same, while the petitioners filed appeal seeking enhancement of compensation, the respondents – Corporation filed appeal contending that the quantum of compensation awarded by the Tribunal is highly excessive and exorbitant.

5. Heard the arguments of learned counsel for the appellants in both the appeals and perused the order under challenge and also the evidence on record.

6. The only point that arises for consideration in these appeals is, whether the quantum of compensation awarded by the Tribunal is highly excessive.

7. There is no dispute with regard to the facts of the case. The only dispute is with regard to the quantum of compensation. While the petitioners sought for enhancement of compensation, the respondents – Corporation contends that the compensation awarded by the Tribunal is highly excessive and exorbitant. On consideration of the order passed by the Tribunal, it does not appear that the compensation awarded by the Tribunal is highly excessive or exorbitant, except the rate of interest granted @ 9% per annum.

8. Therefore, without going into the merits of the matter, since the rate of interest appears to be on higher side, following the decision of the Apex Court in DHARAMPAL AND OTHERS Vs. U.P. STATE ROAD TRANSPORT CORPORATION¹, this Court feels it appropriate to award interest @ 7.5% per annum from the date of petition till the date of deposit of the amount.

9. In the result, while confirming the amount of compensation granted by the Tribunal at Rs.5,56,000/-, the appeal filed by the petitioners is dismissed and the appeal filed by the respondents – Corporation is partly allowed by

¹ MANU/SC/7680/2008

reducing the rate of interest from 9% to 7.5% per annum from the date of petition till the date of deposit of the compensation amount. In all other aspects, the order passed by the Tribunal shall remain unaltered. No order as to costs.

10. As a sequel, miscellaneous petitions pending, if any, in these appeals shall stand closed.

GUDISEVA SHYAM PRASAD, J

06.10.2017.

NOTE: L.R. Copy be marked.
(B/O)
Msr



HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A. Nos.189 and 2667 of 2006



06.10.2017
Msr