

THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

C.M.A. Nos.1335 AND 1367 OF 2004

COMMON JUDGMENT:

These two miscellaneous appeals are being disposed of by this common order as they arise out of same cause of action.

In both the appeals, the claimants are injured persons, who are said to have been sustained injuries in an accident said to have taken place on 05.08.2001 at about 9.00 a.m., while they were travelling in Auto bearing No.AP 9W 608 with their family members and when they reached near Manohar Talkies, the driver of the RTC Bus bearing No.AP 10Z 6399 drove the bus in high speed in a rash and negligent manner in opposite direction and in the result, the auto driver dashed against the said bus and that the auto turned turtle and the claimants sustained injuries.

The Tribunal, after considering the oral and documentary evidence, held that the appellant/insurance company is liable to pay compensation, that the contention of the appellant/insurance company that the RTC bus is also responsible for accident was negated and the Tribunal awarded a sum of Rs.64,500/- (Rupees sixty four thousand and five hundred only) to the claimant in O.P.No.166 of 2002 and a sum of Rs.51,500/- (Rupees fifty one thousand and five hundred only) to the claimant in O.P.No.167 of 2002.

The learned counsel appearing for the appellant/insurance company submits that though the RTC bus is also responsible for the accident, the Court below has erred in negating the contention, and further the amounts awarded by the Tribunal are excessive in nature.

A perusal of the material on record shows that the Tribunal has considered the evidence in proper perspective and held that the crime vehicle is the auto, due to which, the accident took place and a reference was made to the police investigation into the matter and therefore, the

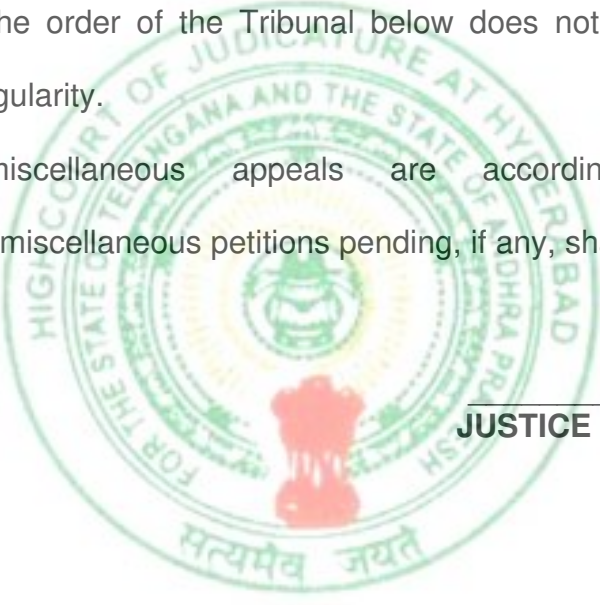
said finding that the appellant/insurance company is liable to pay compensation cannot be said to be erroneous.

Adverting to the contention that the quantum of the compensation being excessive, it is noticed that it is not in any way exorbitant or excessive. Both the claimants sustained serious injuries and as a matter of fact, it is on record that the claimants/injured have suffered permanent disability. The Tribunal, after taking into consideration the entire evidence on record, determined the compensation and as such, it cannot be said to be excessive.

I see no reason to interfere with the well considered order of the Tribunal and the order of the Tribunal below does not suffer from any illegality or irregularity.

The miscellaneous appeals are accordingly dismissed. Consequently, miscellaneous petitions pending, if any, shall stand closed.

22.02.2017
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The seal of the High Court of Judicature at Hyderabad, State of Andhra Pradesh, is a circular emblem. It features a central green emblem with a red lotus flower at the base. The text 'HIGH COURT OF JUDICATURE AT HYDERABAD' is written in a circle around the top, and 'FOR THE STATE OF ANDHRA PRADESH' is written around the bottom. The motto 'सत्यमेव जयते' (Satyameva Jayate) is inscribed in Devanagari script at the very bottom.

JUSTICE M.S.K.JAISWAL