

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A.NO.3136 OF 2009

JUDGMENT:

This appeal arises out of the award, dated 04.05.2009 in O.P.No.205 of 2007 on the file of the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial.

2. The appellant who is the Andhra Pradesh State Road Transport Corporation filed this appeal challenging the impugned award.

3. The 1st respondent has filed the claim petition under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.2,00,000/- on account of the injuries sustained by him in a motor vehicle accident, that occurred on 17.10.2006 at 23.45 hours while he was going in an auto, which was being hit by APSRTC bus bearing No. AP 11Z 3991.

4. The Tribunal on consideration of evidence of witnesses P.Ws. 1 and 2 and the documents Exs.A1 to A31 has awarded compensation of Rs.1,18,000/- with interest at 8.5% p.a. against the appellants herein. Aggrieved by the impugned order, this appeal has been preferred.

5. Heard the arguments of the learned standing counsel for the appellants-TSRTC. There is no representation on behalf of the respondents.

6. Learned standing counsel for the appellants submits that originally the claim was made against APSRTC, Metpalli, Karimnagar District and after bifurcation of the State, the learned counsel for TSRTC has appeared and advanced arguments. Notices have been served on the

respondents, but none appeared on behalf of the respondents.

7. Learned counsel representing TSRTC has raised three contentions. Firstly, that there was no rash and negligent on the part of the RTC bus, secondly, that the quantum of compensation awarded by the Tribunal is excessive, and thirdly, the rate of interest awarded by the Tribunal at 8.5% p.a., is excessive.

8. As far as first contention is concerned, the order of the Tribunal clearly reveals that there was negligence on the part of the driver of RTC bus. Appreciating the evidence of P.Ws. 1 and 2 and the documents Ex.A1-certified copy of FIR and Ex.A2-certified copy of charge sheet, the Tribunal came to the right conclusion about the negligence, on the part of the driver of the RTC bus. Therefore, this Court is not inclined to interfere with the finding of the Tribunal in this regard.

9. The second contention raised by the learned counsel for the appellants with regard to quantum of compensation is concerned, the Tribunal in para 16 of the judgment has clearly discussed about the quantum of compensation awarded to the 1st respondent basing on Ex.A3-wound certificate and the testimony of P.Ws. 1 and 2. The order of the Tribunal clearly reveals that the compensation awarded by the Tribunal is not on higher side. Therefore, there are no grounds to interfere with the finding of the Tribunal in this regard.

10. The third contention with regard to the rate of interest is concerned, the Tribunal awarded interest at 8.5% p.a. There is no reason to interfere with the finding of the

Tribunal because as the rate of interest awarded does not appear to be on higher side. As per Section 171 of the M.V. Act, it is the discretion of the Tribunal to award interest basing on the facts and circumstances of each case. The Tribunal exercised its jurisdiction and awarded interest at 8.5% p.a. Therefore, this Court is not inclined to reduce the rate of interest.

11. In the result, the appeal is dismissed confirming the award, dated 04.05.2009 in O.P.No.205 of 2007 on the file of the Chairman, Motor Accident Claims Tribunal-cum-II Additional District Judge, Karimnagar at Jagtial. No order as to costs. Miscellaneous petitions, if any pending in this appeal shall stand closed.

GUDISEVA SHYAM PRASAD, J

DATED: 14-09-2018

Hsd

