

THE HON'BLE DR.JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2579 OF 2005

JUDGMENT:

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellant/A.P.S.R.T.C., aggrieved by the grant of compensation of Rs.2,95,000/- as against a claim of Rs.4,00,000/- to the respondents/claimants, by the Chairman, Motor Accident Claims Tribunal – cum – II Additional District Judge, Chittoor at Madanapalle (for short, “the Tribunal”) *vide* order, dated 18.10.2004, passed in O.P.No.18 of 2002.

2. Heard the learned Standing Counsel for appellant/A.P.S.R.T.C. and the learned counsel appearing for the respondents/claimants, and perused the record.

3. Learned Standing Counsel for the appellant/ A.P.S.R.T.C. would contend that there was no rashness or negligence on the part of the driver of the RTC bus bearing No.AP 10 Z 2505; that the Tribunal had granted compensation of Rs.2,95,000/- as against a claim of Rs.4,00,000/- on account of the death of the deceased - M.Sreedhar Reddy and the same is exorbitant and ultimately, prayed to reduce the amount of compensation granted in favour of the respondents/claimants and allow the appeal as prayed for.

4. On the other hand, learned counsel for the respondents 1 to 3/claimants would contend that the Tribunal had taken all the factors into consideration and granted just and reasonable compensation; that there are no circumstances to interfere with the same and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by both sides, the following points come up for determination:

“1. Whether the deceased M.Sreedhar Reddy died due to the rash and negligent driving of the driver of RTC bus bearing No.AP 10 Z 2505? and

2. Whether the compensation awarded by the Tribunal is liable to be set aside?”

6. **POINT No.1:-**

On behalf of the claimants, P.Ws.1 and 2 were examined and Exs.A-1 to A-5 were marked. The driver of the offending vehicle was examined as R.W.1 and Exs.B-1 to B-7 were got marked. The Tribunal, basing on the oral and documentary evidence on record, held that there was rashness and negligence on the part of the driver of the RTC bus bearing No.AP 10 Z 2505 resulting in the death of the deceased. This finding is based on the evidence on record. There is nothing to take a different view. Hence, the finding of the Tribunal that the accident occurred due to the rash and negligent driving of the said offending vehicle resulting in the death of the deceased cannot be faulted.

7. **POINT No.2:-** The Tribunal, taking the correct age and income of the deceased and after deducting 1/3rd amount towards his personal expenses, granted compensation for loss of dependency and on other conventional heads and ultimately, awarded the compensation of Rs.2,95,000/- as against a claim of Rs.4,00,000/- with interest at the rate of 9% per annum from the date of the petition till the date of realisation along with proportionate costs. The compensation granted by the Tribunal in

favour of the respondents/claimants is just and reasonable. The assessment and finding of the Tribunal is based on evidence. Therefore, the same is liable to be confirmed. There are no circumstances to take a different view. The appeal is devoid of merit and is liable to be dismissed.

8. In the result, the appeal is dismissed. There shall be no order as to costs.

9. Miscellaneous petitions pending, if any, in this appeal shall stand closed.

Date : 23.07.2018
AMD

DR.JUSTICE SHAMEEM AKTHER



THE HON'BLE DR.JUSTICE SHAMEEM AKTHER



M.A.C.M.A.No.2579 OF 2005

Date: 23.07.2018

AMD