

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Civil Miscellaneous Appeal No. 4201 of 2003

Judgment:

This appeal was preferred by the driver of the vehicle bearing No.AP-15U-5553, who filed W.C.No.128 of 2001 before the Commissioner for Workmen's Compensation and Assistant Commissioner of Labour, Hyderabad-II. He stated that while he was driving the vehicle on 30.09.2001 from Karimnagar to Hyderabad on Rajiv Rahadari Highway at about 3.30 AM, when he was near Gowraram village, one lorry came in the opposite direction in a rash and negligent manner and in spite of his applying sudden brakes he could not control the vehicle and dashed a tree. In the said accident, he received multiple injuries. He was initially admitted in the Gandhi Hospital and surgery was performed to his left leg which was fractured. He claimed an amount of Rs.3,00,000/- for the injuries sustained by him in the said accident.

The owner of the vehicle admitted that the appellant was working as driver on Van bearing No.AP-15U-5553, but not a lorry and she was paying him Rs.1,500/- per month only. She further stated that the accident occurred due to the appellant's own negligence and because of the accident the vehicle was totally damaged and became useless.

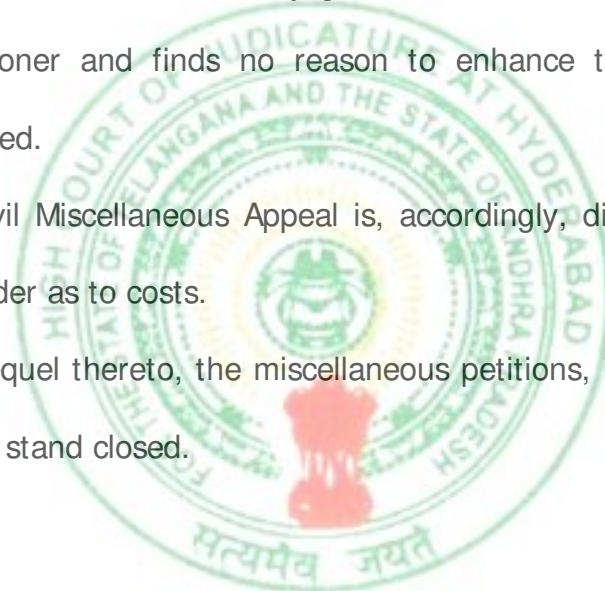
The Insurance Company also filed a separate counter opposing the application of the claimant.

The appellant marked Exs.A1 to A15 and the respondents marked Ex.R1 - copy of policy. On the basis of the evidence, the Commissioner awarded an amount of Rs.1,92,923/-, by order dated 26.08.2002, and seeking enhancement of the said amount, the present appeal was filed.

Learned counsel for the appellant submitted that the amount of wages taken at Rs.2,570/- was wrong, when the claim of the appellant was Rs.4,000/- per month. The counsel further stated that as per the Government Orders, the said amount of Rs.4,000/- was fixed as minimum wages for the drivers. But, the counsel could not produce any evidence with regard to the same either before the Commissioner or before this Court. It is to be noticed that the first respondent filed a counter stating that she was paying only Rs.1,500/- per month and in spite of the same, the Commissioner took the monthly wages at Rs.2,570/-. In view of the same, this Court does not find any ground to interfere with the order of the Commissioner and finds no reason to enhance the compensation already awarded.

The Civil Miscellaneous Appeal is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this CMA shall stand closed.



A. RAMALINGESWARA RAO, J

Date: 03.04.2018
Nsr