

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

MACMA.No.946 of 2009

Between:

APSRTC, repled., by its General Manager,  
Mushirabad, Hyderabad.

... Appellant

And

M.Shankaraiah, S/o Eraiah  
and two others.

... Respondents

JUDGMENT PRONOUNCED ON 11.7.2018

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

1. Whether Reporters of Local newspapers : Yes/No  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals? : Yes/No
3. Whether Their Lordships wish to  
see the fair copy of the Judgment? : Yes/No

---

*JUSTICE GUDISEVA SHYAM PRASAD*

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

MACMA.No.946 of 2009

% 11.7.2018

Between:

# APSRTC, repled., by its General Manager,  
Mushirabad, Hyderabad.

..... Appellant

And:

\$ M.Shankaraiah, S/o Eeraiah  
and two others.

.....Respondents

< Gist:

> Head Note:

! Counsel for the appellant: Mr. N.Vasudeva Rao

^ Counsel for the Respondents: Mr. A.Prabhakar Rao

? Cases Referred:

NIL



HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

MACMA.No.946 of 2009

JUDGMENT:

This appeal arises out of order dated 13.8.2008, in M.OP.No.873 of 2006 on the file of the Motor Accident Claims Tribunal-cum-Principal District Judge, Ranga Reddy District at L.B.Nagar, Hyderabad (for short 'the Tribunal').

The appellant is the Andhra Pradesh State Road Transport Corporation (APSRTC).

The brief facts of the case are that the respondents filed the claim petition under Section-166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.4 lakhs on account of death of their son-M.Satish (hereinafter referred to as 'the deceased') in a motor vehicle accident that occurred on 06.6.2005. On the said fateful day, the deceased was travelling along with others in an auto bearing registration No.AP.13.V.5784 from Moinabad and when the said auto reached near REVL Company at Moinabad Mandal, one APSRTC bus bearing registration No.AP.11Z.5646, being driven by its driver in a rash and negligent manner coming in the opposite direction, dashed the said auto, as a result, some of the passengers in the said auto including the deceased died. Hence, the aforesaid MOP was filed

by the parents of the deceased claiming compensation of Rs.4 lakhs.

Before the Tribunal, the appellant-Corporation filed its written statement denying the rash and negligence on the part of the driver of the APSRTC bus in causing the said accident and also disputed the quantum of compensation claimed by the respondents herein.

The Tribunal, on considering the oral and documentary evidence on record, viz., the evidence of P.Ws.1 and 2 and the documents-Exs.A-1 to A-6, has partly allowed the said MOP awarding compensation of Rs.2,25,000/- with interest @ 6 % per annum from the date of the petition till the date of deposit.

Heard the arguments of Sri N.Vasudeva Rao, the learned Standing Counsel for the appellant-Corporation, and Sri A.Prabhakar Rao, learned counsel for the respondents.

Sri N.Vasudeva Rao, learned Standing Counsel for the appellant-Corporation, mainly submitted that there is no rash and negligence on the part of the driver of the APSRTC bus. The Tribunal based on the documents-Ex.A-1-F.I.R, Ex.A-2-charge sheet and Ex.A-3-Scene of offence panchnama has come to a wrong conclusion that the driver of the APSRTC was rash and negligent in driving the bus and as such, he was responsible for causing the accident. He further submitted that the Tribunal has

to decide the negligence based on the evidence adduced by the claimants and that, there are no eye-witnesses to the accident and therefore, the findings of the Tribunal based on Exs.A-1 to A-3 are not in accordance with law and sought to set aside the impugned order.

Sri A.Prabhakar Rao, learned counsel for the respondents-claimants, submits that the Tribunal has placed reliance on the documents-Exs.A-1 to A-3 and rightly held that the accident occurred due to the rash and negligent driving of the driver of the APSRTC bus and therefore, there are no valid grounds to interfere with the impugned order.

This is a case of death of a passenger who was travelling in an auto along with others. The accident occurred while the auto going with the passengers was being dashed by an APSRTC bus coming in the opposite direction. No doubt, there are no eye-witnesses to the said accident. The Tribunal, based on the documents-Exs.A-1 to A-3-F.I.R., charge sheet and Scene of offence panchanama, respectively, held that the accident occurred due to the rash and negligent driving by the driver of the said APSRTC bus.

The standard of proof in a case of motor vehicle accident can neither be by preponderance of probabilities nor beyond reasonable doubt as observed in civil and criminal cases. Basing

on the documents available on record, negligence can be decided in the absence of any oral evidence.

In the peculiar facts and circumstances of the present case, though the accident occurred between the APSRTC bus and an auto, neither the driver or the conductor of the APSRTC bus nor the passengers or the passers-by have been examined as witnesses to prove as to the manner of occurrence of the said accident.

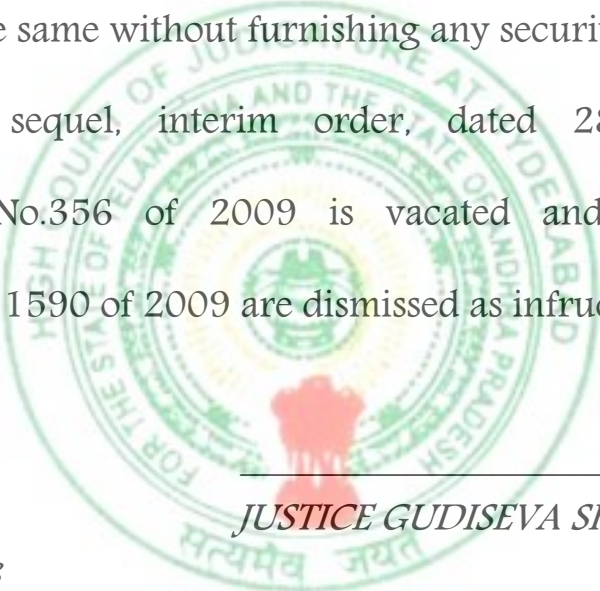
It is pertinent to note here that though in Ex.A-1-F.I.R. it is stated that the driver of the APSRTC bus and the driver of the said auto have driven their respective vehicles in a rash and negligent manner, when it came to the contents of Ex.A-2-charge sheet, which was filed after examining as many as 39 witnesses including four Investigation Officers, it was clearly mentioned therein that the accident occurred due to the rash and negligent driving of the driver of the APSRTC bus.

As regards the contention of the learned Standing Counsel for the appellant that Exs.A-1 to A-3 are not the conclusive proof, it is obvious that except these documents there is no other material on record to come to a different conclusion than the one arrived at by the Tribunal that the accident occurred due to the rash and negligent driving by the driver of the APSRTC bus.

In view of the aforesaid discussion and in the light of contents of Ex.A-2-charge sheet, this Court does not find any reason to interfere with the impugned order passed by the Tribunal.

In the result, the appeal is dismissed. The appellant-Corporation is directed to deposit the awarded amount within one month from the date of receipt of a copy of this order. On such deposit, the respondents-claimants are permitted to withdraw the same without furnishing any security.

As a sequel, interim order, dated 28.01.2009, in MACMAMP.No.356 of 2009 is vacated and MACMAMP. Nos.356 and 1590 of 2009 are dismissed as infructuous.



---

*JUSTICE GUDISEVA SHYAM PRASAD*

*11<sup>th</sup> July, 2018*

*Note.*

*LR copies to be marked.*

*B/o*

*DR*