

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

MACMA No.1506 of 2009

JUDGMENT:

The appeal is preferred by the respondent Corporation questioning the correctness of the award passed by the learned Chairman, Motor Accidents Claims Tribunal-cum-XIV Additional Chief Judge, City Civil Court, (Fast Track Court), Hyderabad in M.V.O.P.No.412 of 2006, dated 27.06.2008, by and under which, the Tribunal awarded a total compensation of Rs.1,55,900/- against the claim of Rs.4,00,000/- for the injuries said to have been sustained by the claimant in an accident which took place on 14.02.2006.

The brief facts of the case are that on 14.02.2006 at about 5 p.m the injured was going in a seven seater auto bearing registration No.AP13W-5424 from Chaderghat side towards Mahatma Gandhi Bus Stand, when it reached Government High School, Azampur, one RTC bus bearing registration No.AP10Z-6233, came in high speed in a rash and negligent manner on wrong side of the road and dashed against the auto, due to which, the claimant sustained multiple injuries.

The Corporation filed counter denying the material allegations and contended that there is hit and collusion between two vehicles and there is no negligence on the part of the driver of the bus.

On behalf of the claimants, PWs 1 to 5 were examined and Exs.A1 to A10 were marked. On behalf of the respondents, no oral or documentary evidence was adduced.

The Tribunal after considering the oral and documentary evidence held that the claimant/injured is entitled to the compensation and granted

the same. Aggrieved by the same, the Corporation filed the present appeal.

The learned counsel for the appellant submits that the accident did not take place in the manner as alleged, that the Tribunal erred in holding that the person who drove the RTC bus is responsible for the accident and therefore, the Corporation ought not to have been made liable to pay the compensation,. He further submits that the Tribunal erred in determining the compensation for the injuries sustained by the claimant at Rs.1,55,900/-, which is excessive and exorbitant.

On the other hand, the learned counsel for the respondent/claimant submits that the Tribunal has given appropriate finding in so far as the rashness and negligence on the part of the driver of the RTC bus and awarded reasonable compensation. He further submits that the award of the Tribunal cannot in any way said to be excessive.

Heard both sides and perused the material on record.

The Tribunal has taken into consideration the evidence of PW 1, PWs 2 to 4, three Doctors, who treated the injured and PW 5, who was an eye witness. The documentary evidence consists of FIR and medical records. The oral and documentary evidence on record establishes beyond shadow of doubt that the accident took place in the manner as alleged. Even though the Corporation contended that it is head on collision and the entire responsibility cannot be put on the shoulders of the driver of the bus, the appellant corporation did not examine any witness. The best witness to speak about the manner in which the accident took place is the driver of the RTC bus, but he was not examined on behalf of the corporation. In the absence of any evidence contra to

the evidence of the claimant, I have no hesitation to hold that the accident took place due to rash and negligence on the part of the driver of the RTC bus.

With regard to quantum of compensation, the Tribunal has taken into consideration the voluminous oral and documentary evidence produced by the claimant and determined the compensation.

Upon perusing the material on record, I see no reason to interfere with the findings of the Tribunal and they do not warrant any interference. There are no merits in the appeal and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 31.01.2018
Dsr

M.S.K.JAI SWAL,J

