

THE HONOURABLE SRI JUSTICE GUDISEVA SHYAM PRASAD

+ MACMA. No.1642 of 2009

%11-07-2018

APSRTC

... Appellant

Vs.

\$Veeraboina Sailu and others.

... Respondents

! Counsel for the appellant : Sri N. Vasudeva Reddy

^Counsel for the respondents : Sri K.L.N. Rao

<GIST

:

>HEAD NOTE

:

? CITATIONS

:



THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

M.A.C.M.A No. 1642 of 2009

JUDGMENT:

This appeal arises out of the Order dated 26.10.2006 passed in MVOP.No.373 of 2003 by the Chairman, Accidents Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, 'the Tribunal'). The appellant-APSRTC is the respondent in the claim petition. The petitioners filed the claim petition under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.3,00,000/- on account of the death of Veeraboina Narsamma, aged 33 years, in a motor vehicle accident that took place on 28.10.2003, at 3:15 PM, on the outskirts of Turkapally village, on Rajiv Rahadari.

Brief facts of the case are that, on the fateful day, while the deceased was engaged in the business of selling custard apples alongside the road on the outskirts of Turkapally village, on Rajiv Rahadari, near Warner Chemical Factory, an RTC bus bearing No.AP-10Z-7780 of Jagtial Depot, driven by its driver in a rash and negligent manner, dashed the deceased, resulting in the instantaneous death of the deceased due to bleeding injuries all over the body. P.S. Mulugu, Medak District, registered a case against the driver of the offending bus in Crime No.54 of 2003 for the offence under Section 304-A IPC.

The Tribunal, on consideration of the evidence of witnesses PWs.1 and 2, and the documents Exs.A1 to A5, has awarded compensation of Rs.3,00,000/- with interest at 7.5% per annum to the petitioners-claimants. Aggrieved by the award passed by the Tribunal, the APSRTC has preferred this appeal.

Heard the arguments of Sri N. Vasudeva Reddy, learned Standing Counsel for appellant-APSRTC. None appeared on behalf of the claimants.

On consideration of the material on record, there is no reason to interfere with the findings of the Tribunal with regard to the rash and negligent driving of the bus. The Tribunal has properly appreciated the evidence on record in arriving at the conclusion with regard to the rash and negligent act of the driver of the bus by placing reliance on Ex.A1-FIR, Ex.A2-Inquest report, Ex.A3-PME report, Ex.A4-charge sheet, and Ex.A5-scene of offence panchanama, and the evidence of PW2-an eyewitness with regard to the nature of accident. There is ample evidence on record to show that the accident occurred due to rash and negligent driving of APSRTC bus.

As far as the quantum of compensation is concerned, the Tribunal relied on the evidence of PW.1, and the documentary evidence Exs.A1 to A5. The Tribunal has taken the income of the deceased as Rs.3,000/- per month as she is a lady aged about 33

years. The notional income fixed by the Tribunal does not require interference and basing on that the compensation was awarded.

In fact, the Tribunal has arrived at a compensation of Rs.4,08,000/- but however, limited the compensation to Rs.3,00,000/- as the claim of the petitioners was for Rs.3,00,000/-. The petitioners have neither preferred appeal for enhancement of compensation nor filed cross objections in this appeal. Therefore, there is no reason to interfere with the findings of the Tribunal.

IN THE RESULT, the appeal is dismissed. The appellant-APSRTC is directed to deposit the compensation 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 amount as per the ratio fixed by the Tribunal. Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

11th July, 2018

NOTE: L.R. Copy be marked.
(B/O)
KSM

THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD



M.A.C.M.A No. 1642 of 2009

11th July, 2018

KSM