

**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**

**M.A.C.M.A.No.3618 OF 2005**

**JUDGMENT:**

This appeal, under Section 173 of the Motor Vehicles Act, 1988, is filed by the appellants/The Depot Manager, A.P.S.R.T.C., Banswada Depot, Nizamabad District and the Managing Director, A.P.S.R.T.C., R.T.C 'X' Roads, Mushirabad, Hyderabad (presently, T.S.R.T.C.), aggrieved by the grant of compensation of Rs.3,29,500/- with proportionate costs and interest at the rate of 9% per annum from the date of petition till the date of realisation to the respondents/claimants as against a claim of Rs.5,00,000/-, by the learned Chairman, Motor Accident Claims Tribunal – cum – District Judge at Nizamabad (for short, “the Tribunal”) *vide* order, dated 27.04.2005, passed in O.P.No.04 of 1999.

2. Heard the learned Standing Counsel for appellants/R.T.C. Though notices were served, there is no representation for the respondents/claimants. This appeal pertains to the year 2005. Hence, this appeal can be disposed of basing on the material available on record. Perused the record.

3. Learned Standing Counsel for the appellants/R.T.C. would contend that the deceased Enupatla Ramulu was standing on the foot board of the R.T.C. bus bearing No.AP-9/Z-6826 though the driver and conductor instructed him not to stand at the door and there is specific evidence of R.W.1 on this aspect; that the Tribunal erroneously held that there was rashness and negligence on the part of the driver of the R.T.C. bus bearing No.AP-9/Z-6826 in occurrence of the subject accident and the death; that the Tribunal

had granted compensation of Rs.3,29,500/- with proportionate costs and interest at 9% per annum from the date of petition till the date of realisation to the respondents/claimants as against a claim of Rs.5,00,000/-, which is excessive, and ultimately, prayed to set aside the impugned order and allow the appeal.

4. There is specific evidence of P.W.2 that the subject accident and death of the deceased Enupatla Ramulu occurred due to the rash and negligent driving of the driver of the R.T.C. bus bearing No.AP-9/Z-6826. P.W.2 is cited as a witness in Ex.A-3 – charge sheet filed against the driver of R.T.C. bus bearing No.AP-9/Z-6826. There is no reason for P.W.2 to support the case of the claimants. He is an independent witness. R.W.1 – Driver of the offending bus is an interested witness. The entire criminal case record is against the driver of R.T.C. bus bearing No.AP-9/Z-6826. Under these circumstances, the Tribunal rightly held that the subject accident and the death occurred due to the rash and negligent driving of the driver of R.T.C. bus bearing No.AP-9/Z-6826. The deceased Enupatla Ramulu was 40 years old at the time of death and was a milk vendor. Granting compensation of Rs.3,29,500/- with proportionate costs and interest at 9% per annum for death of a man of 40 years is not excessive. The findings of the Tribunal are based on the evidence on record and the same are just and reasonable. There are no circumstances to reduce the compensation. The appeal is devoid of merit and is liable to be dismissed.

5. Accordingly, this appeal is dismissed. There shall be no order as to costs.

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

---

**DR.JUSTICE SHAMEEM AKTHER**

Date : 11.10.2018  
AMD



**THE HON'BLE DR.JUSTICE SHAMEEM AKTHER**



**M.A.C.M.A.No.3618 OF 2005**

**Date: 11.10.2018**

AMD