

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.Nos.2782 OF 2012 AND 857 OF 2014

COMMON ORDER:

M.A.C.M.A.No.2782 of 2012 is filed by the TSRTC and M.A.C.M.A.No.857 of 2014 is filed by the claimants challenging the order dated 20-04-2012 passed in M.V.O.P.No.658 of 2010, by the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, the Tribunal).

2. Since both the appeals arise out of a common accident, they are being disposed of by this common order.

3. The brief facts of the case are that on 14-10-2010 at about 10.00 PM., while Kum.B.Spandana (hereinafter referred to as the deceased) was proceeding as a passenger along with her father and brother in RTC bus bearing No.AP11Z 4714 from Mettuguda towards Snehapuri Colony, and when the bus reached the bus stand at Snehapuri Colony, the father of the deceased got down the bus and when the deceased was getting down the bus, suddenly, the driver drove the bus in a rash and negligent manner, due to which, the deceased fell down on the road and received grievous injuries. Immediately, she was shifted to SNH Hospital, Nagole and later to Gandhi Hospital, Secunderabad and succumbed to the injuries on 15.10.2010.

4. The TSRTC filed a counter denying the allegations in the claim petition and contended that the accident occurred due to the negligence of the deceased.

5. After considering the evidence produced by the parties, the Tribunal held that the accident was occurred due to the rash and negligent driving of the driver of the bus and granted Rs.1,50,000/- towards loss of income, Rs.75,000/- towards non-pecuniary damages and another sum of Rs.75,000/- towards future prospects, totaling to Rs.3,00,000/- against the claim of Rs.4,00,000/-.

6. A perusal of the award of the Tribunal, it is clear that the Tribunal did not grant amount under the heads of funeral expenses and love and affection. In the facts and circumstances of the case, I am inclined to grant, additional amount of Rs.30,000/- towards funeral expenses and Rs.25,000/- towards love and affection. Except granting of above amounts, the award of the Tribunal remain unchanged in all other respects.

7. Accordingly, M.A.C.M.A. No.2782 of 2012 is dismissed and M.A.C.M.A.No.857 of 2014 is partly allowed by enhancing the compensation amount, as awarded by the Tribunal, from Rs.3,00,000/- to Rs.3,55,000/-. Miscellaneous petitions pending if any shall stand closed. No order as to costs

T.AMARNATH GOUD, J

Date: 15-11-2018
Shr