

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

M.A.C.M.A.No.2708 of 2018

DATE: 10-10-2018

Between:

Andhra Pradesh State Road Transport Corporation.
Rep.by its Vice Chairman & Managing Director,
Musheerabad, Hyderabad

..... APPELLANT

AND

Doddasomayajula Kanaka Durga and 6 others

.....RESPONDENTS

COUNSEL FOR THE APPELLANT: Sri P.DURGA PRASAD
SC for APSRTC

COUNSEL FOR RESPONDENTS : None

THE COURT MADE THE FOLLOWING:



THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

M.A.C.M.A.No.2708 of 2018

JUDGMENT: (Per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Civil Miscellaneous Appeal arises out of award and decree, dated 12.04.2018, in M.V.O.P.No.90 of 2013, on the file of the Motor Vehicle Accident Claims Tribunal-cum-II Additional District Court, Guntur, whereby it has awarded a sum of Rs.43,28,800/- towards compensation for the death of one Srinivas, an employee of the appellant Corporation.

The only submission advanced by Mr.P.Durga Prasad, learned standing counsel for the appellant Corporation, against the impugned Award, is that it is only due to rash and negligent driving of respondent No.7, the driver of the Tractor and Tractor, which was hit by the Jeep, in which the deceased was traveling, that the accident has occurred.

A perusal of the order under appeal shows that detailed discussion was undertaken by the Tribunal as to who among respondents Nos.6 and 7 is guilty of rash and negligent driving. The Tribunal has taken into consideration various aspects such as;

(i) Ex.A6, enquiry reports submitted by the functionaries of the appellant itself finding that the accident occurred due to rash and negligent driving of respondent No.6, the driver of the Jeep, belonging to the appellant in which the deceased was traveling;

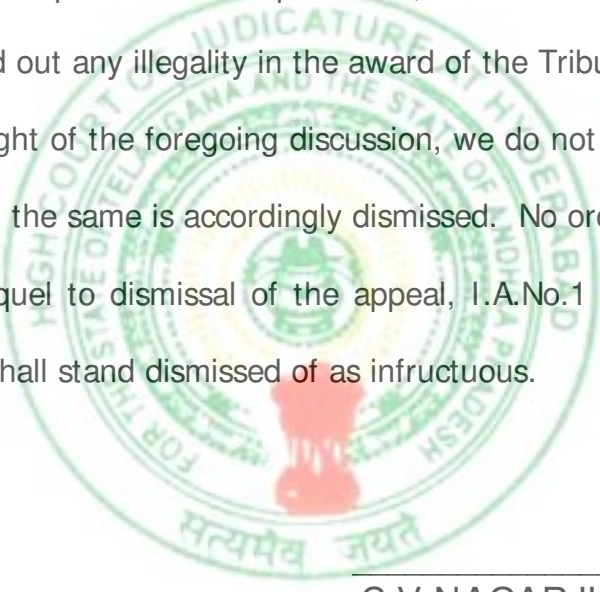
(ii) the fact that no First Information Report was registered against respondent No.7, the driver of the tractor and tractor etc.

It is not in dispute that the enquiry reports of the functionaries of the appellant corporation have shown that respondent No.6 alone has been responsible for the rash and negligent driving. Though respondent No.6 was acquitted in the criminal case, as rightly opined by the Tribunal, the judgment of the criminal Court is not binding on it, as proof beyond all reasonable doubt is *sine qua non* in the criminal case. Having weighed the preponderance of probabilities, the Tribunal has returned the finding, which in our view is correct to the effect that the accident occurred due to rash and negligent driving of respondent No.6 alone.

As regards quantum of compensation, the learned standing counsel has not pointed out any illegality in the award of the Tribunal.

In the light of the foregoing discussion, we do not find any merit in this appeal and the same is accordingly dismissed. No order as to costs.

As a sequel to dismissal of the appeal, I.A.No.1 of 2018 filed for interim relief, shall stand dismissed of as infructuous.



C.V.NAGARJUNA REDDY,J

GUDI SEVA SHYAM PRASAD,J

Date: 10.10.2018
Dsr