

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1171 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, at Nizamabad (for short, the Tribunal) in O.P.No.588 of 2005 dated 12.12.2007.

2. The brief facts of the case are that on 01.11.2003, while the appellant and other passengers were traveling in an RTC bus bearing No.AP 10Z 3397 (hereinafter, 'crime vehicle') from Thirumalapoor to Banswada, when the bus reached near hundred yards from Thirumalapoor bus stage, meantime another RTC bus came from opposite direction and both the buses collided from their opposite directions, due to which the appellant and passengers of both the buses received injuries. The appellant sustained fracture of left thigh, fracture of both bones of left leg, dislocation of left knee joint, fracture of ribs, fracture of skull, severe head injuries, multiple and grievous injuries on all over the body. Immediately, after the accident, the appellant was shifted to Government Area Hospital, Banswada, where he was treated as in-patient and referred to Nizamabad Government Hqrs. Hospital for expert and specialist treatment and the appellant admitted in Shashank Hospital, Nizamabad, where he was treated as in-patient and underwent operation to his left thigh, steel rod inserted in his left thigh and thereafter he was taken treatment with private hospitals and he was incurred expenditure more than Rs.1,00,000/- towards medical expenses and extra nourishment, still he is continuing his

treatment with private doctors. Due to the said injuries and fractures, the appellant is disabled permanently, thereby lost his earnings and amenities are affected. The injuries sustained by him are due to rash and negligent driving of the crime bus by its driver. The 1st respondent is the Managing Director and the 2nd respondent is the Depot Manager of the crime bus. Hence, both the respondents are liable to pay the compensation sought for. The appellant earlier claimed compensation of Rs.61,94,000/-, but later restricted the same to Rs.1,00,000/- with interest @ 24% per annum with costs.

3. In the claim petition, both the respondents filed common written statement denying the allegations and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the crime vehicle and awarded total compensation of Rs.45,100/- under various heads, with interest at the rate of 7.5% per annum. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as

against the claim of Rs.1,00,000/-, the Tribunal awarded an amount of Rs.45,100/- with proportionate costs and interest @ 7.5% per annum. The Tribunal has well considered the medical expenses, extra diet, attendance, pain & suffering and also loss of income and accordingly awarded the said amount. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 17th June, 2019

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