

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.1245 OF 2009

JUDGMENT:

This appeal is preferred by the appellants/APSRTC questioning the order of the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, the Tribunal) in M.V.O.P.No.100 of 2005 dated 06.06.2007.

2. The brief facts of the case are that respondent No.1 is the father, respondent No.2 is the mother and respondent No.3 is the brother of the deceased, A.Vamshi. On 21.09.2002, while the deceased, along with his friends, was proceeding to Srisailam in a Santro car bearing No.AP91 5471, and when the car reached Farhabad Cross Road at Vatwarlapalli Village, one RTC bus bearing No.AP10Z 7092 came in a rash and negligent manner with high speed and dashed the said car. In the said accident, the deceased sustained grievous injuries and he was shifted to Apollo Hospital, Hyderabad for treatment. After four months, while undergoing treatment, he succumbed due to injuries. Respondent Nos.1 to 3 herein filed the aforesaid MVOP against the RTC, claiming compensation of Rs.20,20,000/- for the death of the deceased.

3. Before the Tribunal, the appellants-RTC filed a counter denying the allegations and contended that the amount claimed by the claimants 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 RTC bus and awarded total compensation of Rs.13,09,455/- under various heads, with interest at the rate of 7.5% per annum. Challenging the said order, the appellants/RTC filed the present appeal.

5. Heard.

6. A perusal of the record, it is clear that in the accident, the nerve system of the deceased was damaged, apart from other grievous injuries. He was initially treated in Apollo Hospital, Hyderabad from 22.09.2002 to 17.10.2002 i.e., nearly three months. P.W.4, the doctor who treated the deceased in Apollo Hospital, was examined and admitted the same. Thereafter, the deceased was shifted to Sai Krishna Super Specialty Hospital, Kachiguda, Hyderabad, where two surgeries were conducted to the deceased. P.W.6, the doctor who treated the deceased in Sai Krishna Super Specialty Hospital, was examined and admitted the same. Hence, I am of the opinion that the Tribunal passed a well considered order by taking into consideration all the aspects. 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. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 02-07-2019
TJMR