

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1230 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/2nd respondent/APSRTC questioning the order of the Chairman, Motor Vehicle Accident Claims Tribunal-cum-II Additional District Judge, Karimnagar, at Jagtial (for short, the Tribunal) in O.P.No.85 of 2006 dated 05.02.2007.

2. The brief facts of the case are that the deceased-Thirunagiri Anjaneya Chary, a resident of Kondagattu, was a priest in Sri Anjaneya Swamy Temple at Kondagattu. On 17.01.2001, at 7.45 P.M., he was going on his scooter bearing No.AP 15E 8482 with P.W.2 as a pillion rider thereon and when he was crossing the road, the 1st respondent, who is an RTC driver of Metpalli Depot, drove a bus bearing No.AP 10Z 9552 from Metpalli side proceeding towards Karimnagar, in a rash and negligent manner and dashed against the two wheeler due to which, the deceased died on the spot and the pillion rider also received injuries. The police, Mallial, registered a case in Crime No.6 of 2001 under Sections 304-A and 337 IPC against the 1st respondent and charge sheeted him. The deceased was quite hale and healthy and was aged 42 years as on the date of the accident. Few days subsequent to the death of the deceased, all his colleague priests got permanent employment in the temple and the deceased also would have got the same. As a priest and on agriculture he was earning a sum of Rs.12,000/- per month. The respondents 1 to 4/claimants claimed a compensation of Rs.5,00,000/-.

3. In the claim petition, respondents 1 & 2 filed separate counters 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 crime vehicle and awarded total compensation of Rs.3,61,500/- with interest @ 7.5% per annum i.e., Rs.3,52,000/- towards loss of dependency, Rs.2,000/- towards funeral expenses, Rs.2,500/- towards loss of estate and Rs.5000/- towards loss of consortium to the 1st claimant. Aggrieved by the said order, the appellant/2nd respondent/APSRTC 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.5,00,000/-, the Tribunal awarded an amount of Rs.3,61,500/- with interest @ 7.5% per annum. The Tribunal has framed the Issue No.1 as to whether the accident had occurred due to rash and negligent driving of the vehicle bearing No.AP 10Z 9552 by its driver, to which the Tribunal has categorically stated that the accident has occurred due to the rash and negligent driving of the driver of the RTC bus, i.e., the 5th

respondent and has answered in favour of the claimants and against the APSRTC. With regard to Issue No.2 as to whether the claimants are entitled for compensation, if so, to what amount and from whom, in the light of the decided case laws of the Apex Court, under the heads of conventional charges and future prospects, the claimants are entitled for more compensation, however, since this is an appeal filed by the APSRTC, this Court is not inclined to go into the other issues and this Court finds that the compensation awarded by the Tribunal is just and reasonable. 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: 24th June, 2019

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