

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.4398 of 2012

JUDGMENT:

This appeal is preferred by the appellant/RTC questioning the order of the Chairman, M.A.C.T.-cum-I Additional District Judge, Nalgonda (for short, 'the Tribunal') in O.P.No.1090 of 2008 dated 11-10-2011.

2. Brief facts of the case are that on 21-10-2008, the claimant along with his nephew-Shreyas Reddy was riding his scooter bearing No.AP9AB 8710 to go to Devarakonda and when they reached Gannerlapally gate at 4 pm, the driver of the RTC bus bearing No.AP-10-Z-1843 came in a high speed and dashed their scooter, as a result, he and his nephew received serious injuries and they were shifted to the hospital and his nephew died during the treatment. Hence, the claimant filed the claim petition against the respondent-RTC claiming compensation of Rs.6.00 lakhs by contending that he is earning Rs.6,000/- per month by doing business.

3. In the claim petition, the appellant-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 bus and awarded total compensation of Rs.3,65,000/- i.e. Rs.1,25,000/- towards grievous injuries; Rs.1,50,000/- towards medical expenses; Rs.60,000/- towards loss of

earnings; Rs.15,000/- towards attendant charges; Rs.10,000/- towards food and nourishment and Rs.5,000/- towards transportation. Aggrieved by the said order, the appellant/RTC filed the present appeal.

5. Heard.

6. The case of the claimant was that he is a businessman and earning Rs.6,000/- per month. He deposed as P.W.1 that he sustained fracture on pelvis, fracture of neck of the femur, fracture of left thigh, fracture of left wrist and C.T. scan reveals fracture of facial bone. In support of his evidence, he relied upon the medical evidence. The Evidence of P.W.2, doctor, also corroborated the evidence of P.W.1. The Tribunal after considering the oral and documentary evidence, rightly granted the said compensation and it does not require any interference.

7. In view of the same, this Court feels that the awarded compensation is just and proper and requires no interference and therefore, the appeal filed by the RTC is liable to be dismissed.

8. Accordingly, the Appeal is dismissed. No costs.

9. Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

T.AMARNATH GOUD, J

Date: 14-08-2019

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