

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.515 OF 2010

JUDGMENT:

This appeal is preferred by the appellants/APSRTC questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge (FTC-II), Khammam (for short, the Tribunal) in M.A.T.O.P.No.1065 of 2001 dated 13.01.2006.

2. The brief facts of the case are that the 1st respondent/claimant is a resident of Hyderabad and Engineer in Computer Sciences in private sector and was getting Rs.5,000/- per month. On 19.11.1999 the 1st respondent started at 9.00 p.m. from Hyderabad to Khammam in APSRTC Bus Hi-Tech, bearing No.AP 10Z 1129, plying from Secunderabad to Polavaram. The bus was about to reach Bus stand, Khammam, on 20.11.1999 at about 2.00 a.m. and reached Mayuri Centre, Khammam Town. The 1st respondent being the driver of the said bus, drove the bus in a rash and negligent manner by applying the sudden breaks at Mayuri Centre spot, as a result of which the 1st respondent fell down from his seat and sustained fracture on spinal cord, due to which he became unconscious. He was shifted to hospital of Dr.Adishankar Rao and X-Rays were taken, which revealed fracture injury on spinal cord. He was later shifted to the Government Hospital, Khammam. Doctors advised to shift him to Osmania Hospital, Hyderabad. The 1st respondent got admitted in the hospital of Dr.P.Adishankar Rao. He received treatment as inpatient for

two months. Doctor advised him continuous treatment. Later, he received treatment in Padmavathi Ortho Hospital, Hyderabad. He spent an amount of Rs.50,000/- towards medical expenses, nourishment charges, conveyance, attendant charges. A case in Crime No.199/99 under Section 338 of IPC was registered against the 2nd respondent in II Town Police Station, Khammam. Due to the fracture to spinal cord, he became permanently disabled. He lost number of opportunities of appointment in the Government Sector. He suffers from pain and mental agony due to injuries sustained. He also lost his oriented job in private sector due to the accident. Thus, he was estimating general and special damages at Rs.1,50,000/-. The 2nd respondent, being the driver, and the appellants, being incharge of APSRTC, are jointly and severally liable to pay compensation.

3. The 2nd respondent and the 1st appellant remained *ex parte*.

4. In the claim petition, the 2nd appellant/APSRTC filed a counter denying the allegations and contended that the amount claimed by the 1st respondent/claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

5. 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.72,007/-

under various heads, with interest @ 7.5% per annum. Aggrieved by the said order, the appellants/APSRTC filed the present appeal.

6. Heard.

7. Learned counsel for the appellants contended that there is no evidence placed on record that the 1st respondent/claimant is earning an amount of Rs.5,000/- per month and with regard to the injuries sustained by the claimant, the same are not proved by examining the doctor.

8. 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.1,50,000/-, the Tribunal awarded an amount of Rs.72,007/- with proportionate costs and interest @ 7.5% per annum. It is an admitted fact that the accident has taken place and the 1st respondent/claimant sustained injuries and that the claimant is a Software Engineer and was earning an amount of Rs.5,000/- per month, which is a reasonable amount. With regard to the damage of his spinal cord, from X-rays of L1 & L2 bones and the other medical record, it clearly shows that Dr.Adhishankar Rao was also examined as P.W.2, who has categorically deposed regarding the fracture of bone.

9. Considering the oral and documentary evidence, the amount awarded by the Tribunal is quite reasonable, which needs no interference by this Court. Hence, the appeal is liable to be dismissed.

10. 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: 19th June, 2019

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