

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.2715 OF 2006

JUDGMENT:

This appeal is preferred by the appellants/respondents/APSRTC questioning the order of the III Additional Metropolitan Sessions Judge-cum-XVII Additional Chief Judge, At Hyderabad (for short, the Court below) in O.P.No.2861 of 2004 dated 25.08.2006.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed before the Court below in the original petition.

3. The brief facts of the case are that the 1st petitioner is the wife and petitioners 2 to 4 are the children of the deceased- L.Srinivas Kumar @ L.Krishna. The deceased was aged about 30 years and earning Rs.6,500/- per month on his profession by washing and ironing clothes in a star hotel, Secunderabad, at the time of the accident. While proceeding on his scooter bearing No.AP 13D 3471 from Secunderabad to Bowenpally and when reached near Central Point Hotel, sustained fatal injuries as the APSRTC bus bearing No.AP 10Z 8620, driven by its driver, coming in the opposite direction, drove in a rash and negligent manner and hit the scooter. The deceased, who received injuries, was shifted to Gandhi Hospital, Secunderabad, and while undergoing treatment, succumbed to the injuries on 18.08.2004. Hence, the petitioners filed the claim petition

claiming compensation of Rs.9,00,000/-, payable by the respondents/APSRTC.

3. In the claim petition, the respondents filed 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 evidence of P.Ws.1 to 4 & R.W.1 and documentary evidence of Exs.A-1 to A-8 & Exs.X-1 & X-2, the Court below 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.4,70,800/-, i.e., Rs.4,40,800/- towards loss of dependency, Rs.15,000/- towards loss of consortium, Rs.5,000/- towards transportation of dead body and funeral expenses and Rs.10,000/- towards loss of estate, with interest @ 7.5% per annum from the date of petition till the date of deposit/realization, payable by the respondents. Aggrieved by the said order, the appellant/respondents/APSRTC filed the present appeal.

5. Heard Sri N.Vasudeva Reddy, learned standing counsel for the appellants/APSRTC. Perused the material record.

6. A perusal of the order reveals that the Court below passed a well considered order by taking into consideration all the

aspects and as against the claim of Rs.9,00,000/-, the Court below awarded an amount of Rs.4,70,800/- with interest @ 7.5% per annum. Therefore, I see no reason to interfere with the order of the Court below 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: 8th November, 2019

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