

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

MACMA.No.515 OF 2019

Dated : 22.04.2019

Between:

The Managing Director, Telangana State
Road Transport Corporation, Musheerabad,
Hyderabad.

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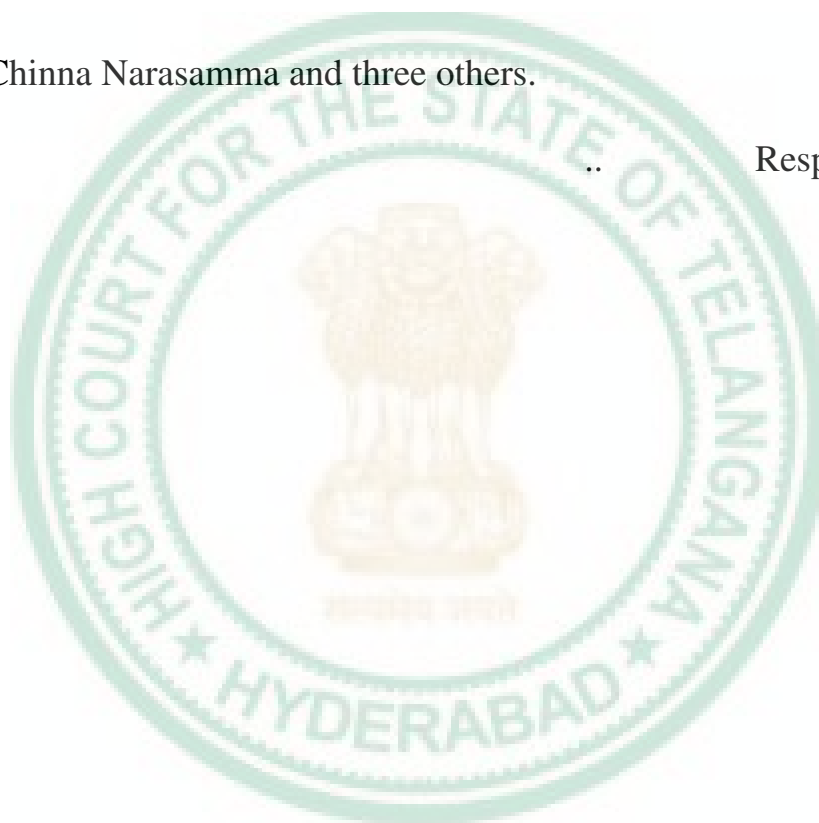
Petitioner

And

Gunji Chinna Narasamma and three others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**MACMA.No.515 OF 2019****JUDGMENT:**

In an accident involving the appellant-Telangana State Road Transport Corporation, occurred on 30.09.2016, husband of the 1st respondent died.

2. Claiming compensation for the death of the earning family member, the wife, daughter, son and mother of the deceased filed M.V.O.P.No.880 of 2017 before the Chairman, Motor Accident Claims Tribunal-cum-District Judge, Khammam.

3. By award dt.18.01.2019, the Tribunal granted an amount of Rs.10,33,900/- towards compensation. Challenging the same, this appeal has been filed.

4. Heard learned Standing Counsel for the appellant- Corporation who contends that the deceased was responsible for causing the accident; that he was de-boarding the bus even before the bus stopped; and that due to the negligence of the deceased only death was caused and RTC cannot be penalised for his negligence. He further submits that even assuming the family members are entitled to claim compensation, the compensation awarded by the Tribunal is exorbitant, therefore, the same is not sustainable. He also submits that no justification was shown by the Tribunal to determine the notional income of the deceased as Rs.4,500/- per month, in the absence of any

material to show the income earned by the deceased. The Tribunal cannot arrive to such conclusion and compel the appellant-Corporation to pay the compensation.

5. It is not in dispute that the accident occurred while the deceased was de-boarding the bus. According to the version of the claimants before the Tribunal that while the deceased was de-boarding the bus, the driver moved the bus in a rash and negligent manner without waiting till he de-boarded the bus.

6. On behalf of the claimants witnesses were examined and documents were placed on record.

7. The Tribunal found the evidence given by PW2-eye witness, was consistent with the investigation conducted by the police. Therefore, the Tribunal found that the evidence of PW1 was more reliable and thereby not accepted the contention of appellant that as per the evidence of driver, who was cited as RW1, the deceased tried to disembark the bus even before the bus stopped.

8. Basing on the analysis of the evidence brought on record, it cannot be said that the finding of the Tribunal that the accident occurred due to the negligence of the driver of the appellant bus, is not valid.

9. Once it is held that the accident occurred due to the rash and negligent driving of the driver of the appellant, the only question

remains for consideration is quantum of compensation payable to the dependents or the family members of the deceased.

10. Though, the petitioner claimed higher compensation, as no material was placed on record before the Tribunal in proof of earnings of the deceased, the Tribunal notionally arrived at Rs.4,500/- per month as normally earned by a daily wage coolie. After arriving at such notional monthly income, the Tribunal applied the computation principle to determine the compensation, and arrived at the figure of Rs.10,33,900/- under various heads.

11. In view of the aforesaid facts of the case, I do not see any error in the award passed by the Tribunal in granting compensation noted above. Therefore, no case is made out to interfere and to upset the well considered decision of the Tribunal.

12. Accordingly, the appeal is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the appeal, shall stand closed.

P.NAVEEN RAO, J

22.04.2019
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