

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.324 OF 2015

JUDGMENT:

This appeal is filed by the appellants/RTC aggrieved by the order and decree dated 24-10-2014 passed in M.VO.P.No.110 of 2009 by the Chairman, Motor Accident Claims Tribunal-cum-FAC III-Additional Additional District Judge (FTC), Nizamabad (for short, the Tribunal).

2. The brief facts of the case are that on 27-08-2008, the deceased Badavath Harza came to Nizamabad on his work and after completion of his work he went to Nizamabad bus stand at about 7.30 PM., to go to his village Kalpole. In the mean time, the RTC bus bearing No.AP10Z 4620 came in a rash and negligent manner and dashed the deceased. As a result, the deceased sustained grievous injuries and died in the hospital while undergoing treatment. The claimants filed a petition, claiming compensation of Rs.5,00,000/- for the death of the deceased.

3. The respondents filed a written statement, denying the allegations in the claim petition and contended that the RTC is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. During the course of trial, the petitioners examined P.Ws.1 and 2 and got marked Exs.A1 to A4. On behalf of the respondents, RW.1 was examined, but no documents were marked.

5. After considering the oral and documentary evidence adduced on both sides, 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 Rs.3,61,000/-, with interest at the rate of 7.5% per annum. Aggrieved by the said award, the appellants/RTC filed the present appeal.

6. Heard Sri G.Prashanth, learned counsel appearing on behalf of Sri N.Vasudeva Reddy, learned counsel for the appellants and Sri N.Srushman Reddy, learned counsel appearing for the respondents.

7. It is contended by the learned counsel appearing for the respondents that the deceased was doing agriculture and milk business. As there was no proof of income of the deceased, the Tribunal has taken into consideration the income of the deceased at Rs.3,000/- per month in the light of the judgment of the Apex Court in **New India Assurance Company Limited V. Kalpana (Smt)**¹ and awarded total compensation of Rs.3,61,000/-.

8. A perusal of the order reveals that the Tribunal has passed a well considered order by taking into consideration the oral and documentary evidence adduced on behalf of both the parties. Hence, I see no reason to interfere with the said award and therefore, the appeal is liable to be dismissed.

¹ (2007) 3 SCC 538.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 21-01-2019
Shr