

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3767 OF 2005

JUDGMENT:

This appeal is preferred by the appellant/respondent/APSRTC questioning the order of the Chairman, Motor Accident Claims Tribunal (District Judge) At Nalgonda (for short, the Tribunal) in O.P.No.691 of 1994 dated 16.10.1996.

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

3. The brief facts of the case are that the 1st petitioner is the widow, petitioners 2 to 5 are the minor children and the 6th petitioner is the mother of the deceased-Degavath Ramulu. On 25.11.1994, the said Ramulu was driving the jeep bearing No.APL 657 from Nalgonda to his office situated at Thungathurthy. He was driving the same at slow speed and very cautiously on the extreme left side of the road. Near Inupamula Village on NH No.9, some buffaloes came in opposite side and he tried to move the jeep towards right side in order to save the buffaloes from hitting. Meanwhile, an RTC bus bearing No.AP 9Z 3954 came from Suryapet side in the opposite direction in rash and negligent manner, at high speed and dashed the jeep. The said Ramulu, driver of the jeep, sustained multiple injuries all over the body. Immediately he was taken to Government Hospital, Nalgonda, and from there to OGH,

Hyderabad, where he succumbed to injuries on 27.11.1994. The deceased was the driver in M.P.P.Office and used to get Rs.3,203/- per month as salary and was contributing the same to the maintenance of family. Hence, the claimants filed the claim petition claiming a compensation of Rs.4,00,000/- payable by the respondent/APSRTC.

4. In the claim petition, the respondent 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.

5. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that there is contributory negligence on the part of both the drivers and that it is not as if the driver of the bus alone was responsible for the accident. Therefore, the liability of both the drivers was fixed at 50% each and awarded compensation of Rs.1,44,907/- payable by the respondent, i.e., 50% of the total compensation amount of Rs.2,89,814/-, with interest @ 12% per annum. Aggrieved by the said order, the appellant/respondent/APSRTC filed the present appeal.

6. Heard.

7. 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.4,00,000/-, the Tribunal awarded an amount of Rs.1,44,907/- with interest @ 12% per annum. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

8. 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: 16th October, 2019

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