THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.726 OF 2008

JUDGMENT:

This appeal is filed by A.P.S.R.T.C. - respondent aggrieved by the order dated 06.11.2006 in M.V.O.P.No.330 of 2003 passed by the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad (for short, the Tribunal).

2. The appellant herein is the respondent and the respondents herein are the petitioners before the Tribunal.

3. For the sake of convenience, the parties herein are referred to as they were arrayed before the Tribunal.

4. Petitioners, who are wife and son of the deceased, filed the above O.P. claiming compensation of Rs.18,00,000/- for the death of S. Radhakrishna Murthy, who was aged 50 years and was working as Chief Commercial Inspector in S.C. Railway, Secunderabad. On 23.08.2003 at about 4:00 P.M., when the deceased was travelling in APSRTC Bus bearing No.AEZ 6170 from Secunderabad to Prashanth Nagar and it reached Prashanth Nagar Bus Stop, the driver of the said bus drove it in rash and negligent manner, due to which the deceased fell down on the front seat rod and sustained major injuries in his abdomen. Immediately, he was shifted to Gandhi Hospital, Secunderabad, where he succumbed to injuries on 24.08.2003 at about 4:50 A.M., while undergoing treatment.

5. The respondent filed its counter denying all the allegations made in the claim petition and prayed to dismiss the same.

6. The Tribunal, after considering the evidence on record that the accident was occurred due to rash and negligent driving of the driver of APSRTC bus bearing No.AEZ 6170 and that the deceased was working as Chief Commercial Inspector in S.C.Railway, Secunderabad, and drawing salary of Rs.13,730/- per month as per Exs.A4 and A5 salary slip and last pay certificate, respectively, awarded compensation of Rs.12,08,240/- with proportionate costs and future interest @ 7.5% per annum from the date of filing of the petition till realisation. The Tribunal also held that the respondent is the owner of APSRTC bus and as the driver is working in the course of his employment, the respondent is liable to pay the compensation.

7. Appellant filed this appeal contending that the Tribunal erred that in coming to the conclusion that the accident occurred due to rash and negligent driving of the bus and it ought to have held that the deceased was also equally responsible for the accident. It also contended that the salary of the deceased was not established and erred in assessing the income of the deceased.

8. Admittedly, to prove the case, petitioners examined PWs.1 to 3 and got marked Exs.A1 to A5. Exs.A4 and A5 - salary slip and last pay certificate, respectively, show that the deceased was employee of Railways and earning Rs.13,730/- per month. Therefore, the compensation granted by the Tribunal is not on higher side and it requires no interference.

9. In the result, the appeal is dismissed confirming the order dated 06.11.2006 in M.V.O.P.No.330 of 2003 on the file of the

Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court, Secunderabad. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this appeal shall stand dismissed.

T. AMARNATH GOUD, J

Date:24.06.2019
KH

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD