

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1171 OF 2009

AND

CROSS OBJECTIONS No.55 of 2018

COMMON JUDGMENT:

This appeal is preferred by the appellant/1st respondent/APSRTC questioning the order of the Motor Accidents Claims Tribunal, Warangal (for short, the Tribunal) in O.P.No.1267 of 2001 dated 17.01.2005. The respondents 1 & 2/claimants also filed cross-objections being aggrieved by the order of the Tribunal.

2. The brief facts of the case are that on 27.08.2001 at about 3.00 P.M., on PWD Road leading from Warangal to Hyderabad at Culvert 124/1, when Chimmula Bal Reddy, the deceased was traveling in Maruthi Zen Car bearing No.AP 36G 5 belonging to the 4th respondent and driven by 5th respondent, one bus bearing No.AP 10Z 1404 being driven by its driver 3rd respondent in a rash and negligent manner collided each other, as a result he received serious injuries and died on the spot. The deceased was aged 68 years and was a retired Government employee (Forest Ranger) and earned an income of Rs.6,000/- per month. He died leaving behind him the respondents 1 & 2/claimants. The claimants claimed an amount of Rs.3,48,000/- as compensation.

3. In the claim petition, all the respondents filed separate written statements 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 and documentary evidence on record, the Tribunal came to the conclusion that the accident occurred due to the rash and negligent driving of both the drivers of the car and RTC bus and awarded total compensation of Rs.3,24,000/-with interest @ 9% per annum i.e., Rs.3,00,000/- towards loss of contribution to the family of deceased, Rs.20,000/- towards loss of consortium to the 2nd respondent/2nd claimant, Rs.2,500/- towards funeral expenses, Rs.1,000/- towards damage to cloth and wrist watch and Rs.500/- towards transport expenses. Aggrieved by the said order, the appellant/1st respondent/APSRTC filed the present appeal and the respondents 1 & 2/claimants filed the cross objections.

5. Heard.

6. 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.3,48,000/-, the Tribunal awarded an amount of Rs.3,24,000/- with interest @ 9% per annum. The Tribunal has framed the Issue No.1 as to whether the accident occurred on 27.08.2001 due to rash and negligent driving of APSRTC bus bearing No.AP 10Z 1404/Maruthi Zen car bearing No.AP 36G 5, driven by its driver, to which the Tribunal has categorically stated that the accident has occurred due to the rash and negligent driving of both the drivers of the car and RTC bus, i.e., the 3rd respondent and the 5th respondent and has answered in favour of the claimants and against the APSRTC. With regard to

Issue No.2 as to whether the claimants are entitled to compensation, if so, to what amount and from whom, in the light of the decided case laws of the Apex Court, under the heads of conventional charges and future prospects, the claimants are entitled for more compensation, however, since this is an appeal filed by the APSRTC, this Court is not inclined to go into the other issues and 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.

7. Insofar as the cross-objections are concerned, though the claim is made for Rs.3,48,000/-, it is a bounden duty of this Court to award just and proper compensation. In the award, the Tribunal has awarded an amount of Rs.22,500/- under the heads of loss of consortium and funeral expenses, but as per the decision of the Hon'ble Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi**¹, this Court feels just and reasonable to award an amount of Rs.70,000/- towards conventional heads. Except the said modification, the order of the Tribunal remains unchanged. Therefore, the total compensation comes to Rs.3,71,500/- (Rs.3,00,000/- (loss of contribution) + Rs.1,000/- (damage to cloth and wrist watch) + Rs.500/- (transport expenses) + Rs.70,000/- (conventional charges)). Insofar as the interest is concerned, interest of 7.5% shall be computed for the enhanced amount.

¹ 2017(6) ALD 170 (SC)

8. In the result, the Motor Accident Civil Miscellaneous Appeal is dismissed and the Cross Objections is allowed by enhancing the compensation amount awarded by the Tribunal from Rs.3,24,000/- to Rs.3,71,500/-. The enhanced amount shall carry interest @ 7.5% per annum. The enhanced amount shall be paid to the claimants on payment of deficit Court fee as the claimants paid Court fee claiming an amount of Rs.3,48,000/-. No costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 25th June, 2019

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