

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1216 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/petitioner/claimant questioning the order of the Motor Accidents Claims Tribunal-cum-V Additional District Judge (F.T.C.), R.R.District, at L.B. Nagar (for short, the Tribunal) in O.P.No.928 of 2005 dated 28.02.2007.

2. The brief facts of the case are that the appellant is the daughter of the deceased-Smt. D.Sarada. On 19.11.2005 while the deceased was proceeding from Khairatabad side towards Vidyuth Soudha and when she reached near Bus Stop of T.R.C. at about 9.15 a.m., an RTC bus bearing No.AP 11Z 1012 came from her behind in a rash and negligent manner and dashed her. As a result, the deceased fell down on the road and the bus ran over her. The deceased died on the spot. The deceased was divorcee. She was aged about 49 years and working as cleaner in Vidyuth Soudha and earning Rs.9,000/- per month prior to the accident. She was contributing the same to the maintenance of her family and due to the sudden death of the deceased, the appellant is suffering from mental agony besides financial loss. Hence, the appellant filed the present claim petition claiming a compensation of Rs.5,00,000/-, payable by the respondent/APSRTC, who is the owner of the crime vehicle.

3. In the claim petition, the respondent filed counter denying the allegations and contended that the amount claimed by the claimant

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 dismissed the claim petition for the reason that there is no documentary evidence to show that the deceased is the mother of the appellant and she was staying with the appellant prior to the accident. Aggrieved by the said order, the appellant/petitioner/claimant filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. However, liberty is given to the appellant to make her claim afresh as and when she obtains legal heir certificate from the competent Court of law or authority. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 29th July, 2019

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