

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.3717 OF 2005

JUDGMENT:

This appeal is preferred by the appellants/APSRTC questioning the order of the Motor Accident Claims Tribunal-cum-XI Additional Chief Judge, City Civil Court, Hyderabad (for short, the Tribunal) in O.P.No.535 of 2003 dated 07.02.2005.

2. The brief facts of the case are that on 3.4.2001 at about 5.00 PM., while the claimant was returning home from his daughter's house at Munnanoor to his village Vallabharaopalli on his bicycle, the driver of the RTC bus bearing No.AP10Z 9531, drove the same in a rash and negligent manner and in high speed, dashed the bicycle from back side. Due to which, the claimant fell down and sustained multiple injuries all over his body. He filed the aforesaid OP against the RTC, claiming compensation of Rs.1,50,000/- for the injuries sustained by him.

3. Before the Tribunal, the appellants-RTC filed a 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 came to the conclusion that the accident occurred due to the rash and negligent driving of the RTC bus and awarded total compensation of Rs.41,000/- under various heads, with interest at the rate of 9% per annum. Challenging the said order, the appellants/RTC filed the present appeal.

5. Heard.

6. It is not in dispute that the RTC bus hit the claimant, while he was coming on his bicycle from his daughter's house, due to which, he sustained grievous injuries and that he underwent treatment for the said injuries. The compensation awarded by the Tribunal passed a well considered order and it needs no interference. However, the interest awarded by the Tribunal at the rate of 9% per annum is excessive and the same is reduced to 7.5% per annum. Except the said modification, the order passed by the Tribunal remains unchanged.

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

Date: 29-08-2019
Shr

T.AMARNATH GOUD, J