

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3440 OF 2011

JUDGMENT:

This appeal is filed by the appellant-RTC aggrieved by the Order and Decree dated 11-03-2008 passed in M.V.O.P.No.698 of 2005 by the Motor Vehicle Accident Claims Tribunal-cum-II Additional District and Sessions Judge (FTC) at Medak (for short, the Tribunal).

2. The brief facts of the case are that on 03-06-2005 at about 2.45 P.M., while the respondent/claimant and his friend were proceeding on a Hero Honda motorcycle from Sangareddy, and when they reached the limits of Kamkole village, one RTC bus bearing No.AP10Z 8268, came in opposite direction in a rash and negligent manner and dashed the motorcycle, due to which, the claimant sustained grievous injuries. He filed the aforesaid MVOP against the RTC, claiming compensation of Rs.1,00,000/- for the injuries sustained by him.

3. The appellant/RTC filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and 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 driver of the RTC bus and awarded total compensation of Rs.1,64,900/- with interest @ 7.5% per annum, i.e., Rs.1,22,400/- towards permanent disability, Rs.15,000/- towards medical expenses, Rs.6,000/- towards injuries, Rs.15,000/- towards pain and suffering and

Rs.6,500/- towards transportation charges. Challenging the same, the appellant/RTC 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, but it has wrongly adopted the multiplier '17' instead of '16' as the age of the injured at the time of accident was 35 years. As such, the compensation under the head 'permanent disability' comes to Rs.1,15,200/- (Rs.36,000/- X 16 X 20%). Therefore, the compensation awarded by the Tribunal is reduced from Rs.1,64,900/- to Rs.1,57,700/-. Except the above modification, the order passed by the Tribunal is 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.

T.AMARNATH GOUD, J

Date: 18.07.2019
Shr