

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.3110 OF 2009

JUDGMENT:

This appeal is preferred by the appellant/APSRTC questioning the order of the Motor Accidents Claims Tribunal (I Additional District Judge), at Mahabubnagar (for short, the Tribunal) in O.P.No.106 of 2007 dated 25.10.2008.

2. For the sake of convenience, the parties are hereinafter referred to as they were arrayed in the O.P. before the Tribunal.

3. The brief facts of the case are that on 08.10.2006 at about 6.45 p.m., the petitioner was proceeding along with his friend Saiteja on his Hero Honda Motor cycle bearing No.AP-11/M-0219 in front of Rythu Bazar, Mahidipatnam, Hyderabad, and the said Saiteja was riding the motor cycle and at the said time, the offending APSRTC bus bearing No.AP-09-Z-1085 came in high speed and rash and negligent manner driven by its driver and dashed the said motor cycle from back side, due to which the petitioner and his friend fell down and sustained fractures and injuries. The petitioner was aged about 21 years and hale and healthy and was B.Tech final year student and during leisure hours, the petitioner was earning Rs.5,000/- per month by way of tuitions to students and contributing the same for the maintenance of his family. On account of the said accident, the petitioner lost one year education and earnings and he requires one attendant through out his future and he has to undergo operation for removal of steel rod which was implanted to his

right leg. Hence, the petitioner filed the present claim petition claiming a compensation of Rs.3,00,000/-.

4. In the claim petition, the respondent 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.

5. 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 APSRTC bus and awarded total compensation of Rs.90,000/- with interest @ 7.5% per annum i.e., Rs.30,000/- towards pain and suffering and injuries, Rs.30,000/- towards medical incidental charges and Rs.30,000/- towards loss of his diminished prospects in education and other aspects. Aggrieved by the said order, the appellant/APSRTC filed the present appeal.

6. Heard.

7. The Tribunal has framed Issue No.1 in fixing the liability and held that the accident occurred to rash and negligent driving of the driver of the offending APSRTC bus resulting in injuries to the petitioner. To rebut, the driver nor the APSRTC has led any oral or documentary evidence in support of their case.

8. With regard to awarding of compensation to the claimant, it is admitted that the claimant has sustained fracture of shaft femur M/3rd right and other injuries and also examined P.W.2- Dr.Hari Sharma, Consultant Orthopedic Surgeon in Apollo Emergency Hospital, Hyderabad, in support of his claim. Therefore, this Court feels that the Tribunal has passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.3,00,000/-, the Tribunal awarded an amount of Rs.90,000/- with interest @ 7.5% per annum. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

9. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed, confirming the award and decree passed by the Tribunal in all respects, including the rate of interest. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 28th August, 2019

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