

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.2306 OF 2005

JUDGMENT:

This appeal is preferred by the appellant/RTC questioning the Order of the Motor Accident Claims Tribunal-cum-II Additional District Judge, Nalgonda at Suryapet (for short, the Tribunal) in O.P.No.943 of 2001 dated 21.07.2004.

2. For the sake of convenience, the parties herein are referred to as they are arrayed before the Tribunal.

3. The brief facts of the case are that on 30.04.2001 at about 12.30 pm., while the deceased, K.Yelamandaiah, was proceeding on his motorcycle bearing No.AP24B 4271 from Huzurnagar to M.D.O. Office, Garidepally, and when he crossed check post in the outskirts of Huzurnagar, one bus bearing No.AP10Z 2856 came in a rash and negligent manner and dashed him, as a result of which, he sustained grievous injuries all over his body and died on the spot. The claimant filed the said OP seeking compensation of Rs.11,76,000/- against respondent No.1-RTC, and respondent No.2-mother of the deceased, for the death of the deceased.

4. In the claim petition, respondent No.1-RTC filed counter 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. Respondent No.2-mother of the deceased, filed counter stating that the petitioner was living separately after the death of the deceased

and hence, the petitioner is not entitled for any compensation and that she alone is entitled for the same.

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 RTC bus and awarded total compensation of Rs.6,58,700/- under various heads, with interest at the rate of 9% per annum, apportioning Rs.4,00,000/- to the claimant and Rs.2,58,700/- to respondent No.2. Aggrieved by the said order, the appellant/RTC filed the present appeal.

6. Heard.

7. A perusal of the impugned order, it is clear 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.

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

T.AMARNATH GOUD, J

Date: 23-10-2019
TJMR