

HON'BLE SRI JUSTICE T. AMARNATH GOUD

M.A.C.M.A.No.55 of 2010

JUDGMENT:

Aggrieved by the order and decree dt.23.07.2009 in O.P.No.1486 of 2004 passed by the Chairman, Motor Accident Claims Tribunal (I Additional District Judge), Khammam District (for brevity "the Tribunal"), awarding compensation of Rs.3,69,000/- as against the claim of Rs.5,00,000/- with interest @ 7.5% per annum for the injuries sustained by respondent No.1-claimant in a motor vehicle accident that occurred on 20.03.2004, near Laxmi Nagar Village, Thallada Mandal, Khammam District, due to the rash and negligent driving on the part of the driver of the RTC bus bearing No.AP 10Z 7461, the present civil miscellaneous appeal has been preferred by the Corporation.

The appellant herein is the State Road Transport Corporation, respondent No.1 is the claimant and respondent No.2 is the driver of the offending Bus belonging to the appellant-Corporation. The facts leading to the accident are not in dispute. The Tribunal, after appreciating the evidence on record, both oral and documentary, awarded a sum of Rs.3,69,000/- towards compensation to the claimant with interest @ 7.5% per annum holding respondent Nos.1 and 2 therein jointly and severally liable to pay the compensation

from the date of filing of O.P. till the date of realization. Hence the present appeal by the appellant-Corporation.

Heard Sri B. Mayur Reddy, learned Standing Counsel for the appellant-State Road Transport Corporation as well as Sri S. Syamsundar Rao, learned counsel for respondent No.1-claimant and Sri Ch. Satish Kumar, learned counsel for respondent No.2-driver of offending Bus.

Learned Standing Counsel for the appellant mainly contended that there is contributory negligence on the part of the respondent No.1-claimant and the Tribunal went wrong in holding that the accident occurred only due to the rash and negligent driving of the driver of the offending Bus. The learned Standing Counsel would further contend that the Tribunal grossly erred in taking the disabilities sustained by respondent No.1-claimant @ 50% and further erred in taking the income of the claimant at Rs.36,000/- per annum.

On the other hand, learned counsel for the respondent No.1-claimant contends that the order passed by the Tribunal is well considered and the same requires no interference.

The only point that arises for consideration in this appeal is, whether the quantum of compensation awarded by the Tribunal is proper and justified.

Though learned counsel for the appellant-Corporation contended that there is a contributory negligence on the part of respondent No.1-claimant, who suffered injuries in the alleged accident, no witnesses on behalf of the appellant-Corporation were examined before the Tribunal to establish the same. Admittedly, a perusal of Ex.A.4 – Discharge Summary Card reveals that respondent No.1-claimant has suffered amputation of his right leg above the knee level and the same is considered as a permanent disability, which is also evident from Ex.A.8 – Disability Certificate issued by the Medical Board, Khammam, to the effect that the claimant suffered 75% disability, which is permanent in nature. Even with regard to the income of the claimant, the Tribunal has rightly taken income of the claimant at Rs.36,000/- per annum basing on the evidence of PW.2 and over all disability of the claimant was assessed at 50% and by applying the multiplier '18', respondent No.1-claimant was awarded an amount of Rs.3,24,000/- towards the disability suffered by him. Even there is no dispute with regard to the amounts awarded by the Tribunal under other heads, which are considered to be just and reasonable.

Therefore, the order passed by the Tribunal is well considered and a just and reasonable compensation was awarded by the Tribunal and hence, the impugned order does

not suffer from any infirmity warranting interference by this Court.

In the result, the civil miscellaneous appeal is dismissed. There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

T. AMARNATH GOUD, J

19.06.2019.
Msr



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