

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1416 OF 2008

JUDGMENT:

This appeal is preferred by the appellant/APSRTC questioning the order of the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge, Warangal (for short, the Tribunal) in M.V.O.P.No.820 of 2006 dated 07.12.2007.

2. The brief facts of the case are that the claimant is the wife of the deceased-Rajaiah and respondents 2 and 3 are her parents-in-law. The deceased was a resident of Mahadevpur of Karimnagar District, aged about 24 years and earning Rs.4,000/- per month as a mason and agriculturist. On 13.06.2004 the deceased along with other members of their family went to Chennur to attend a marriage function and that on the said day after the lunch when the deceased and one Maska Ramesh went around the said village on their motor cycle bearing No.AP 26G 7706 to see the said village, one RTC bus bearing No.AP 10Z 2811 dashed against his motor cycle near Shivalayam temple at Chennur town having come at a high speed in a rash and negligent manner and that the deceased, who was riding the motor cycle and his friend sustained injuries and on 16.06.2004 the deceased died while he was undergoing treatment for the injuries sustained by him. The claimant along with respondents 2 and 3, who are her parents-in-law, are put to mental shock and agony and without any financial support. Therefore, the 1st respondent/APSRTC is liable to pay the compensation of Rs.5,00,000/- claimed by the claimant.

3. In the claim petition, the 1st respondent/APSRTC 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 driver of the RTC bus and awarded total compensation of Rs.4,16,000/- with interest @ 7.5% per annum i.e., Rs.1,000/- towards transportation charges, Rs.5,000/- towards medical expenses, Rs.2,000/- towards funeral expenses and Rs.4,06,000/- towards loss of life, love and affection. Aggrieved by the said order, the appellant/APSRTC 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 and as against the claim of Rs.5,00,000/-, the Tribunal awarded an amount of Rs.4,16,000/- with interest @ 7.5% per annum. The Tribunal has framed the Issue No.1 as to whether the accident had occurred on account of rash and negligent driving of the APSRTC Bus bearing No.AP 10Z 2811 by its driver or due to negligence in riding the motor cycle bearing No.AP 26G 7706 on which the deceased was traveling, to which the Tribunal, in the light of Exs. A-1 & A-4 and also in support of oral evidence of P.W.1, has

categorically stated that the accident has occurred due to the rash and negligent driving of the driver of the RTC bus and has answered in favour of the claimant and against the APSRTC. With regard to Issue Nos.2 & 3 as to what was the age and income of the deceased by the date of his death and whether the petitioner and any others are entitled to receive any compensation and if so, to what amount and from whom, the Tribunal has taken the notional income of the deceased @ Rs.3,000/- per month for computing the compensation coupled with multiplier of 17. Hence, this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

T.AMARNATH GOUD, J

Date: 15th July, 2019

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