

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No. 2455 OF 2006

JUDGMENT:

This appeal is preferred by the appellants/RTC questioning the order of the Motor Vehicle Accidents Claims Tribunal-cum-V Additional District Judge at Karimnagar (for short, the Tribunal) in O.P.No.377 of 2005 dated 14.08.2006.

2. The brief facts of the case are that respondent No.1 is the son and respondent Nos.2 and 3 are the daughters of the deceased, Jange Rajender. On 01.12.2004 at about 7.00 pm., while the deceased, along with his wife, was going on his scooter bearing No.AP15A 9499, and when they reached Manthamma Temple, outskirts of Bheemaram Village, an RTC bus bearing No.AP10Z 2941 came in rash and negligent manner and dashed the motorcycle. In the said accident, the deceased sustained grievous injuries and died on the spot. Respondent Nos.1 to 3 herein filed the said OP against respondent No.4 herein (driver of the bus) and the appellant-RTC seeking compensation of Rs.13,00,000/- for the death of the deceased.

3. In the claim petition, the appellant-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 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.8,27,952/- under various heads, with interest at the rate of 6% per annum. Aggrieved by the said order, the appellant/RTC filed the present appeal.

5. Heard.

6. The claimants, to prove the income of the deceased, cross examined P.W.2, who deposed that the deceased was a permanent employee, and that at the time of death, the scale pay of the deceased was Rs.5470/- with gross salary of Rs.8,493/-. Taking into consideration the same, the Tribunal assessed the income of the deceased at Rs.7,913/- per month, after excluding statutory deductions and awarded the compensation. A perusal of the order reveals 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.

7. 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: 06-11-2019
Shr