

HONOURABLE SRI JUSTICE T. AMARNATH GOUD

M.A. C.M.A. No.1676 OF 2012

JUDGMENT:

Questioning liability and quantum of compensation awarded by the learned Chairman, Motor Accidents Claims Tribunal - cum - X Additional Chief Judge, Fast Track Court, City Civil Court, Hyderabad, by the award dated 12.01.2012 in O.P. No.554 of 2010, the erstwhile Andhra Pradesh State Road Transport Corporation, Hyderabad, preferred this Civil Miscellaneous Appeal.

2. Heard learned counsel on either side and perused the material on record.

3. It is a case of injuries. Claimant, who is respondent herein, sustained injuries viz., (i) head injury, (ii) fracture of proximal phalanx right ring finger and (iii) fracture of shift metacarpal (4th left), which are grievous in nature. He laid claim for Rs.2.00 lakhs before the Tribunal. The Tribunal framed relevant issues for (i) fixing liability for causing accident, and (ii) for award of compensation, if any, entitled to by the claimant and from whom. The claimant examined himself as PW.1 and marked Exs.A-1 to A-5 to substantiate his case. However, the A.P.S.R.T.C., appellants herein, failed to adduce any evidence either oral or documentary, to rebut the case of the claimant. Even, they failed to examine the driver, who drove the bus involved in the accident, at the time of accident. Thus, there was no evidence on behalf of the appellants. However, the Tribunal, on an elaborate consideration of oral and documentary evidence on record produced by the claimant, held that the accident had occurred due to

rash and negligent driving of the driver of the APSRTC bus and considering the fracture and other grievous injuries sustained by the claimant, awarded a sum of Rs.54,500/- towards compensation. Assailing the same, APSRTC preferred this appeal questioning liability and compensation and also taking the plea of contributory negligence. Admittedly, the accident has taken place and the claimant sustained injuries in that accident. The appellants did not choose to enter witness box before the Tribunal to support their case. On the other hand, as stated above, the Tribunal considering the oral and documentary evidence on record produced by the claimant, has rightly held that the accident had occurred due to rash and negligent driving of the driver of the APSRTC bus and considering the age of the claimant, his occupation, income and the fracture and other grievous injuries suffered by him, has rightly granted just, fair and reasonable compensation to which the claimant entitled. In view of the same, this Court is of the considered view that the award passed by the Tribunal is well considered and needs no interference. Thus, there are no grounds to entertain this appeal.

4. Therefore, the Civil Miscellaneous Appeal is dismissed.
No order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand closed.

T. AMARNATH GOUD, J

August 2, 2019.
Mgr