

HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A.No.1394 of 2012

JUDGMENT:

Appellant-Andhra Pradesh State Road Transport Corporation (APSRTC) filed this appeal against the award and decree dated 26-04-2010 passed in O.P.No.2305 of 2008 of the Motor Accidents Claims Tribunal-cum-III Additional Chief Judge, City Civil Court, Hyderabad, granting compensation of Rs.1,10,000/- to the claimant/respondent, payable by the appellant, as against the claim of Rs.2,00,000/-, for the injuries sustained by the claimant.

2. Respondent is the claimant who filed claim petition under Section 166 read with Section 475 of Motor Vehicle Act, 1988, alleging that he is aged about 17 years at the time of accident. On 15-06-2008, at about 1345 hours, near turning point in the limits of Rangapur village, J.P. Darga, Kothur road, while he was proceeding on a two wheeler, the driver of crime vehicle i.e. APSRTC bus bearing Regn. No.AP 11Z 4256 drove it in a rash and negligent manner and dashed his vehicle, as a result of which, he sustained injuries and he was admitted in hospital. He spent huge amount towards medical expenses. Therefore, he claimed compensation of Rs.2,00,000/- from the appellants.

3. The appellants-APSRTC filed counter stating that the claimant failed to prove his age, income and insurance besides

medical expenses and that the accident occurred due to the negligence of the claimant and there was no negligence on the part of the driver of the bus. Hence, the petition is liable to be dismissed.

4. The Tribunal, based on the evidence available before it, held that the claimant sustained injuries in the accident due to sole rash and negligent driving of the driver of the bus. It further held that according to the evidence of P.W.3-Medical Officer, the claimant sustained both bones right fore arm and right upper limb brachial plexus injury and keeping in view of all this evidence, granted compensation of Rs.1,10,000/- i.e. Rs.1,00,000/- towards grievous injuries and Rs.10,000/- towards medical expenses, payable by the appellants.

5. Aggrieved by the said finding, the present appeal came to be filed by the appellants-APSRTC.

6. Heard.

7. Learned counsel for the appellants-APSRTC would contend that the compensation granted by the Tribunal is excessive and there is no proof of evidence against the injuries sustained by the claimant and medical expenses as claimed by the claimant and therefore, the compensation awarded by the Tribunal is highly excessive, and the appeal may be allowed.

8. Learned counsel for the respondent-claimant contends that the Tribunal has rightly granted compensation on the grounds that

the claimant is a minor and he underwent treatment for a period of three months. Therefore, the judgment of the Tribunal may be confirmed by dismissing the appeal filed by the appellants-Corporation.

9. In the facts and circumstances of the case, the finding of the Tribunal in holding that the appellants-APSRTC is liable to pay compensation cannot be found fault with as the Tribunal granted compensation basing on the evidence of 3rd respondent that the minor petitioner-claimant sustained grievous injuries to his both bones right fore arm and right upper limb brachil plexus and that the claimant underwent treatment for a period of more than three months i.e from 15-06-2008 and again on 22-09-2008. Therefore, I am of the view that the compensation awarded by the Tribunal is just and reasonable and cannot be interfered with.

10. Accordingly, the appeal is dismissed confirming the decree and judgment passed by the Tribunal. No costs.

11. Miscellaneous petitions pending in this appeal, if any, shall stand closed.

JUSTICE T.AMARNATH GOUD

05.07.2019
KVR