

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. NO.474 OF 2014

JUDGMENT:

This appeal is preferred by the appellants/APSRTC questioning the order of the Motor Accident Claims Tribunal-cum-XVI Additional Chief Judge-cum-II Additional Metropolitan Sessions Judge, Hyderabad (for short, the Tribunal) in O.P.No.62 of 2009 dated 13-07-2011.

2. The brief facts of the case are that on 6.9.2008 at about 8.00 P.M., while the appellant was proceeding on a bike bearing No.AP28A 8449 from Khairatabad towards Kukatpally side, and when he reached Ameerpet cross roads, one RTC bus bearing No.AP11Z 2284 came in rash and negligent manner with high speed without observing the traffic rules, lost control over it and dashed against the auto trolley and the said auto trolley hit the appellant's bike, upon which, the appellant fell down on the road and sustained fracture injuries all over his body. The appellant filed the aforesaid OP against the RTC, claiming compensation of Rs.2,00,000/- for the injuries sustained by him.

3. Before the Tribunal, the appellants-RTC 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.1,85,714/- under various heads, with interest at the rate of 7.5% per annum. Challenging the said order, the appellants/RTC filed the present appeal.

5. Heard.

6. A perusal of the order reveals that the Tribunal has awarded Rs.20,000/- towards pain and suffering, Rs.85,014/- towards medical expenses and extra nourishment, Rs.15,000/- towards future medical expenses, Rs.61,200/- towards 10% disability, Rs.3,000/- towards transportation charges and Rs.1,500/- towards attendant charges totaling Rs.1,85,714/- as against the claim of Rs.2,00,000/-.

7. The injured was aged 32 years at the time of accident and the correct multiplier for arriving disability is '16', but the Tribunal has wrongly adopted the multiplier of '17'. Therefore, the loss of income under 10% disability comes to Rs.57,600/- ($36,000/- \times 16 \times 10\%$) instead of Rs.61,200/-. Except the above modification, the order passed by the Tribunal remains unchanged.

7. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

T.AMARNATH GOUD, J

Date: 08-08-2019
Shr