

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.424 of 2012

JUDGMENT:

This appeal is preferred by the appellants/claimants questioning the order of the Motor Accident Claims Tribunal-cum-District Judge, Karimnagar (for short, the Tribunal) in O.P.No.443 of 2004 dated 10-01-2006.

2. Brief facts of the case are that on 16-05-2002, while the deceased Manohar, as a median, and his brother-in-law Srinivas, as a pillion, were travelling on two wheeler on their way and when they reached in front of Preethi Seeds, near Kakatiya canal camp, Huzurabad, one RTC bus bearing No.AP-10-z-8217, came with a high speed and in a rash and negligent manner and rammed into their vehicle and caused to their fatal injuries. Srinivas-pillion died on the spot and the deceased-median died in MGM Hospital. Hence, the petitioner Nos.1 to 3-claimants, who are the wife and parents respectively, filed a claim petition against the respondent Nos.1 and 2, who are the driver and owner of the crime vehicle, respectively, claiming compensation of Rs.5,00,000/- for the death of the deceased on the ground that the deceased was a master of the brass band and earning Rs.8,000/- per month.

3. In the claim petition, the 2nd respondent-Corporation filed a 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 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 1st respondent or the offending bus are not responsible for the accident in which the deceased died and therefore held that they are not liable for the consequence of the death of the deceased in the accident and dismissed the claim petition.

5. Aggrieved by the said order, the appellants/claimants filed the present appeal.

6. Heard.

7. Learned Standing Counsel for the appellant-Corporation contends that there is no fault of the RTC bus for causing accident and that the accident occurred due to the negligence of the deceased in riding his vehicle. However, the appellant-Corporation deposited a sum of Rs.50,000/- in favour of the 1st claimant under no fault liability. Therefore, there is no ground to interfere with the order passed by the Tribunal and therefore the appeal may be dismissed.

8. Admittedly, as held by the Tribunal, the claimants failed to establish the fact that the accident occurred due to the rash and negligent driving of the driver of the appellant-Corporation and on the other hand, insofar as issue No.2 is concerned, under no fault liability, the appellant-RTC has paid Rs.50,000/- to the claimants and the same has been accepted by P.W.1 in her cross examination.

9. In view of the same, I do not find any merit in the case and this Court need not interfere with the order passed by the Tribunal. Therefore, the appeal filed by the claimants is liable to be dismissed.

10. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. No costs.

11. Miscellaneous petitions pending, if any, shall stand dismissed. No order as to costs.

Date: 01-08-2019
kvr

T.AMARNATH GOUD, J

