

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.3642 of 2005

JUDGMENT:

This appeal is preferred by the appellant/RTC questioning the order of the II Additional Chief Judge, City Civil Court, Hyderabad, (for short, the Trial Court) in O.P.No.461 of 2002 dated 01-08-2004.

2. Brief facts of the case are that on 08-01-2002 while the claimant was proceeding towards Bhongir from Hyderabad on a Scooter along with his friend J.Sailoo and when he reached Surya Vamshi Spinning Mills, one RTC bus bearing No.AP-10Z-5736 of Yadagirigutta Depot came in opposite direction in a rash and negligent manner and dashed his scooter, due to which, he sustained four multiple grievous fracture injuries. Hence, he filed the O.P. seeking compensation of Rs.1,25,000/- for the injuries sustained by him.

3. In the claim petition, the appellant-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 Trial Court came to the conclusion that the accident occurred due to the rash and negligent driving of the driver of the bus and awarded total compensation of Rs.1,25,000/- under various heads, with interest at the rate of 9% per annum. Aggrieved by the said order, the appellant/RTC filed the present appeal.

5. Heard.

6. It is seen from the record that the claimant has sustained four multiple grievous fracture injuries and the same is established by the evidence of P.W.2. Hence, the compensation awarded by the Trial Court is just and proper and I do not find any illegality or irregularity in the order passed by the Trial Court. Therefore the impugned order warrants no interference and the appeal filed by the RTC is liable to be dismissed.

7. Accordingly, the Appeal is dismissed. No costs.

8. Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

Date: 19-09-2019
kvr

T.AMARNATH GOUD, J

