

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.2440 of 2012

JUDGMENT:

This appeal is preferred by the appellant/RTC questioning the order of the Motor Accident Claims Tribunal-cum-II Additional District Judge, Warangal (for short, the Tribunal) in M.V.O.P.No.1151 of 2009 dated 06-03-2012.

2. Brief facts of the case are that on 28-10-2008, while the deceased Mandala Ratnakar Reddy was going to his house on foot and when he reached near Tara Garden, one APSRTC bus bearing No.AP 28 Z 2306 proceeding from Hanamkonda to Hyderabad, dashed against him, resulting which, he died on the spot. Hence, the claimants who are brother and two sisters of the deceased, respectively, filed claim petition against the respondent-RTC claiming compensation of Rs.18.00 lakhs contending that the deceased was a practicing advocate in Warangal and all they are dependents of the deceased.

3. In the claim petition, the appellant-RTC 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 accident occurred due to the rash and negligent driving of the driver of the bus and awarded total compensation of Rs.4,92,000/- under various heads, with interest at the rate

of 6% per annum. Aggrieved by the said order, the appellant/RTC filed the present appeal.

5. Heard.

6. The case of the claimants was that the deceased was practising advocate for five years and earning an amount of Rs.20,000/- per month. The Court below examined P.Ws.1 to 3 and marked ExsA-1 to A-7 and fixed the income of the deceased as Rs.5,000/- per month and by applying multiplier '16', it granted the said compensation.

7. Though the claimants are entitled for more compensation as the deceased was professionally practicing as an advocate, but since this appeal is filed by the respondent/RTC and the claimants did not choose to file any Cross Objections or appeal, this Court is not inclined to enhance the compensation. Further the appellant/RTC has not adduced any evidence in support of their case. Hence, this Court feels that the awarded compensation is just and proper and requires no interference and therefore, the appeal filed by the RTC is liable to be dismissed

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

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

No order as to costs.

T.AMARNATH GOUD, J

Date: 02-08-2019
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