

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

MACMA. No.1109 of 2017

JUDGMENT:

This appeal is filed by the RTC against the order dated 23.04.2015 passed in M.V.O.P. No.341 of 2012 by the Motor Accident Claims Tribunal-cum-the Chief Judge, City Civil Court, Hyderabad on the ground that the learned Tribunal, without proper appreciation of the evidence on record, granted abnormal compensation.

Brief facts of the case are that on 28.12.2011 the deceased, M.Suryanarayana, was proceeding on his motorcycle bearing No.AP 10Q 0750 from Secunderabad to Vijayawada and after reaching near Kahitapuram village on N.H.No.9, the RTC bus bearing No.AP 29Z 1325 came in opposite direction driven in a rash and negligent manner and at high speed and dashed to his motorcycle and caused the accident, wherein the deceased received grievous injuries and died on the spot. Against the said accident a case in Crime No.287 of 2011 was registered.

The claim of the claimants is that by the date of accident, the deceased was a retired employee from South Central Railway and used to work as Stock Broker and also doing the agriculture and getting income of Rs.5,00,000/- per annum and was contributing the same for the welfare and maintenance of the family and due to his untimely death in

the accident the claimants lost income source and put to sufferance and hence, they claimed Rs.5,00,000/- as compensation.

Before the learned Tribunal, the Corporation filed its counter denying the averments of the claim petition.

After considering the oral evidence of P.Ws.1 and 2 and the documentary evidence of Exs.A-1 to A-3, the learned Tribunal came to the conclusion that the accident took place due to the rash and negligent driving of the offending bus, by its driver and awarded Rs.2,10,000/- with 7.5% interest per annum.

Assailing the same, the RTC filed the present appeal.

Heard Sri K.Srinivas Rao appearing for the appellant Corporation, who vehemently contended that there is no eye witness to the accident and as such, the claimants are not entitled to any compensation since the accident itself is not proved.

As could be seen from the impugned award it is clear that the learned Tribunal while passing the award has considered the evidence of P.Ws.1 and 2 and marked Exs.A-1 to A-3 and as per the Ex.A-2, charge sheet, it is very clear that the accident had taken place. The learned counsel appearing for the Corporation vehemently contended that accident itself is not proved, in this regard it is to be noted that the

appellant's Corporation did not appear before the learned Tribunal to lead oral evidence and also not filed any documentary evidence. Since they have failed to lead any evidence before the learned Tribunal they cannot improve their case in the appeal.

Further, a perusal of the order reveals that the Tribunal passed a well considered order by taking into consideration all the aspects and as against the claim of Rs.5,00,000/-, the Tribunal awarded an amount of Rs.2,10,000/- with interest at 7.5% per annum. Hence, this Court finds that the compensation awarded by the learned Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the learned Tribunal and the appeal is liable to be dismissed.

Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed confirming the award and decree passed by the learned Tribunal in all respects, including the rate of interest. There shall be no order as to costs.

As a sequel, miscellaneous applications, if any pending, shall stand closed.

JUSTICE T.AMARNATH GOUD

Date: 09.01.2020

LSK