

THE HON'BLE JUSTICE G. SRI DEVI

M.A.C.M.A. No.984 of 2014

JUDGMENT:

This appeal is preferred by the Road Transport Corporation, questioning the judgment and decree, dated 17.07.2012 passed in O.P.No.92 of 2010 on the file of the Motor Accidents Claims Tribunal-cum-IX Additional District & Sessions Judge, Kamareddy (for short, the Tribunal).

2. For the sake of convenience, the parties have been referred to as arrayed before the Tribunal.

3. The petitioner filed a petition under Section 166 (1) (A) of the Motor Vehicles Act claiming compensation of Rs.4,00,000/- for the injuries sustained by him in a motor vehicle accident. It is stated that on 12.06.2010 in early morning, the petitioner boarded one RTC bus bearing No.AP-28-Z-2780 at Hyderabad to go to his village and when he reached the BTS Chowarastha on NH No.7 in the limits of PS Bhiknoor at about 8:00 AM, the bus was stopped and as such, he was getting down from the bus, but the driver of the bus without observing him started the bus in a rash and negligent manner and

proceeded further. As such, the petitioner fell down on the front wheel of the bus, sustained injuries consisting of crush injury on the right foot resulting in amputation of the said foot, apart from other injuries all over the body. He was shifted to Government Hospital, Kamareddy and from there to Sri Rama Multi Specialty Hospital, Kamareddy, wherein he was treated and his foot was amputated. The petitioner has lost his foot and suffered medical expenses to an extent of Ac.50,000/- apart from suffering from pain, shock and agony and loss of income. He contended that he is entitled for compensation of Rs.7,70,000/- but restricted to Rs.4,00,000/-. He stated that respondents are owners of the bus, they are liable to pay the compensation jointly and severally.

4. Before the Tribunal, the respondents filed counter denying the averments of the claim petition including the age, avocation and income of the deceased and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

5. During trial, on behalf of the claimants, P.Ws.1 and 2 were examined and Exs.A1 to A8 were marked. On behalf of the respondents, no oral or documentary evidence was adduced.

6. 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 driver of the RTC bus and awarded total compensation of Rs.2,26,000/- with interest @ 7.5% per annum. Aggrieved by the said order, the Road Transport Corporation filed the present appeal.

7. Heard both sides and perused the record.

8. A perusal of the order reveals that the Tribunal passed a well considered order and after taking into consideration all the aspects, the Tribunal awarded an amount of Rs.2,26,500/- with interest @ 7.5% per annum. Further, while answering issue No.1, the Tribunal has categorically observed that the accident has occurred due to the rash and negligent driving of the driver of the RTC bus. With regard to

quantum of compensation, in the light of the decided case laws of the Apex Court, under the heads of conventional charges and future prospects, the claimants are entitled for more compensation. Since this is an appeal filed by the R.T.C. and in the absence of cross appeal or cross-objections filed by the claimants, this Court is not inclined to go into the other issues and this Court finds that the compensation awarded by the Tribunal is just and reasonable. Therefore, I see no reason to interfere with the order of the Tribunal and the appeal is liable to be dismissed.

9. Accordingly, the M.A.C.M.A. is dismissed confirming the award and decree passed by the Tribunal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE G. SRI DEVI

08.06.2022
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Date: 08.06.2022

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