

Telangana High Court

The A P S R T C vs Y Sunitha on 20 April, 2023

Bench: M.G.Priyadarsini

THE HON'BLE SMT. JUSTICE M.G. PRIYADARSINI

M.A.C.M.A.No.1862 of 2018

JUDGMENT :

This appeal is preferred by Telangana State Road Transport Corporation (previously Andhra Pradesh State Road Transport Corporation), questioning the award and decree, dated 19.02.2018 passed in M.V.O.P.No.1239 of 2015 on the file of the Chairman, Motor Accident Claims Tribunal-cum-Chief Judge, Hyderabad (for short, "the Tribunal").

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

3. Brief facts of the case are that the claimant filed a petition under Section 166 of the Motor Vehicles Act claiming compensation of Rs.1,00,000/- for the injuries sustained by her in a road accident that occurred on 30.05.2015. It is stated that on the fateful day, while the claimant was travelling in auto bearing No. AP 28 TE 4968 from choudarpally to Kothapet market, Hyderabad and at about 05:00 p.m., one RTC bus bearing No. AP 29 Z 0962, being driven by its driver, came in rash and negligent manner at high speed and dashed the auto from backside, in which the claimant was travelling. As a result, the claimant sustained fracture injuries all over the body. Immediately, she was admitted as inpatient in Delta Hospital, MGP, J Macma_1862_2018 Hastinapuram. She spent Rs.20,000/- towards medical expenses. Hence, she laid the claim against the respondents, seeking compensation of Rs.1,00,000/- under various heads.

4. Before the Tribunal, the RTC contested the claim by filing counter inter alia contending that the claim made by the claimant is excessive and disputing the manner of the accident, age and avocation.

5. Considering the claim and the counter filed by the RTC, and on evaluation of the evidence, both oral and documentary, the learned Tribunal has partly allowed the O.P. and awarded compensation of Rs.48,100/- with interest at 7.5% per annum to be payable by the respondents. Challenging the same, the present appeal has been filed by the RTC.

6. Heard both sides and perused the record.

7. The main contention of the learned Standing Counsel for the RTC is that there is contributory negligence on the part of the driver of the auto, in which the claimant is travelling at the time of the accident, who contributed to the said accident. However, the Tribunal has not considered the same and therefore, contributory negligence ought to have been fixed on the injured while awarding compensation. Further, he contended that the quantum of compensation claimed is MGP, J Macma_1862_2018 excessive, baseless and prayed to allow the appeal by reducing the quantum of compensation reasonably.

8. On the other hand, learned counsel for the claimant contended that the Tribunal has rightly awarded just and reasonable compensation considering the nature of injuries suffered by the claimant and avocation and therefore, the said order of the Tribunal needs no interference by this Court.

9. It is the contention of the learned Standing Counsel for the appellant that there was contributory negligence on the part of the driver of the auto, in which the claimant is travelling at the time of accident, who was driving the auto in a rash and negligent manner without observing the moving traffic and buses on the road. However, as seen from the record, in support of its contention, the officials of RTC did not take any steps such as summoning the driver of the bus or examining any of the passengers in the bus, who are the best persons to speak in this regard. The claimant herself examined as P.W.1 and in her cross-examination, she stated that the accident occurred only due to rash and negligent driving of the driver of the RTC bus. Further, Police after thorough investigation laid charge sheet against the driver of RTC bus. Therefore, in the absence of any rebuttal evidence, the contention of the learned Standing Counsel for the RTC that there is contributory negligence on the MGP, J Macma_1862_2018 part of the driver of the auto, in which the claimant is travelling, is not sustainable and the same is hereby rejected.

10. Insofar as the quantum of compensation is concerned, the Ex.A.3, discharge summary issued by Delta Hospital, discloses that the claimant sustained head injury and admitted as inpatient on 30.05.2016 and also discharged on the very same day. Considering the said facts, the tribunal has rightly awarded Rs.30,000/- towards injuries; Rs.3,150/- towards medical bills by relying upon Ex.A4, bunch of medical bills; Rs.5,000/- towards pain and sufferings; Rs.5,000/- towards loss of amenities of life and Rs.5,000/- towards transportation and extra nourishment. Thus, the quantum of compensation awarded by the Tribunal is just and reasonable and the same needs no interference by this Court.

11. 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 applications, if any, pending shall stand closed.

JUSTICE M.G. PRIYADARSINI 20.04.2023 gms
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M.A.C.M.A.No.1862 of 2018 DATE: 20.04.2023 gms