
(2023) 01 TEL CK 0047

In the Telangana High Court

Case No : Motor Accident Civil Miscellaneous Appeal No. 392 Of 2017

APSRTC

APPELLANT

Vs

Thadagonda Rakesh Another

RESPONDENT

Date of Decision : 30-01-2023

Acts Referred:

Citation : (2023) 01 TEL CK 0047

Hon'ble Judges : M.G.Priyadarsini, J

Bench : Single Bench

Advocate : A Ravi Babu, Ramachandar Rao

Final Decision : Dismissed

Judgement

1. This appeal is filed by the Andhra Pradesh State Road Transport Corporation (Now TSRTC) aggrieved of the order and decree dated 29.02.2016 in M.V.O.P.No.658 of 2014 on the file of the Chairman, Motor Accident Claims Tribunal-cum-III Additional District Judge, Karimnagar.

2. According to the petitioner, on 30-05-2013, minor petitioner along with Juttu Rajesham and Thadagonda Babu went to Chinthakunta village for attending a marriage and after attending the same, while they were returning to their house on Yamaha motorcycle, on the way at about 6-00 p.m., when they reached the cross-roads of Ramadugu, one RTC bus bearing No. AP 07 Z 0023 of Jagtial depot came from the opposite direction at high speed and dashed their motorcycle, as a result, minor petitioner and two others fell down and received injuries. Due to which, minor petitioner received injuries to his head, left frontal SDH with SAH cerebral edema, one upper teeth was broken and also received laceration to the upper lip. Immediately after the accident, minor petitioner lost consciousness and was shifted to Sai Ram Multi Speciality Hospital, Karimnagar and on his admission, he underwent different types of medical tests conservatively as an inpatient from 30.5.2013 to 2.6.2013 and was discharged with an advise to take bed rest for six months. He spent an amount of

Rs.25,000/- for his treatment. Due to head injury, he is suffering with mental disorder and giddiness, which will affect his future studies also. Thus, the petitioner claimed compensation of Rs.3,00,000/- under various heads against the respondent Nos.1 and 2 who are driver and owner of the bus.

3. Respondent No.1 remained ex parte.

4. Respondent No.2 filed counter disputing the manner of accident, age, avocation and income of the petitioner. It is further contended that the compensation claimed by the petitioner is excessive and therefore, prays to dismiss the petition.

5. Based on the above pleadings, the Tribunal framed the following issues:

1. Whether the accident had occurred due to rash and negligent driving of the offending vehicle i.e., APSRTC bus bearing No. AP 07 Z 0023 driven by its driver?

2. Whether the petitioner is entitled to compensation, if so, to what amount and from whom?

3. To what relief?

6. In order to prove their case, PW.1 was examined and Exs.A1 to A16 were marked. On behalf of the respondents, RW.1 was examined and no document was marked.

7. The Tribunal on considering the oral and documentary evidence available on record, partly allowed the O.P., awarding a total compensation of Rs.1,14,033/- along with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization against the respondent Nos.1 and 2 jointly and severally. Aggrieved thereby, the appellant-Corporation has filed this appeal.

8. Heard the learned Standing Counsel for the appellant-Andhra Pradesh State Road Transport Corporation and the learned counsel for the claimant-respondent No.1 herein. Perused the material available on record.

9. The learned Standing Counsel for the appellant-Corporation contended that there is no negligence on the part of the APSRTC bus bearing No. AP 07 Z 0023 and the tribunal failed to consider that the rider of the motorcycle in order to overtake the tractor, driven the vehicle in rash and negligent manner with high speed and dashed the bus from the opposite direction. It is further contended that the Tribunal grossly erred in awarding the compensation against the respondents 1 and 2 jointly and severally. Accordingly, prayed to set aside the impugned order in the O.P.

10. The learned counsel for the respondent No.1/claimant contended that the learned Tribunal has awarded just and reasonable compensation and the same needs no interference by this Court.

11. With regard to the manner of accident, the learned Standing Counsel for respondents-Corporation contended that the accident occurred due to the rash

and negligent driving of the rider of the motorcycle and not due to the RTC bus. However, except examining their driver as RW-1, there is no other independent witness was examined in support of their contention. Further the police after thorough investigation filed charge sheet against the driver of the RTC bus. Hence, considering the evidence of PW-1 coupled with documentary evidence available on record, the Tribunal rightly held that the accident occurred due to rash and negligent driving of the driver of the offending vehicle.

12. Coming to the quantum of compensation, as per Ex.A2 injury certificate, the petitioner received head injury, which is grievous in nature. PW-1 deposed that due to the above injury, he was admitted in Sai Ram Hospital, Karimnagar and he spent an amount of Rs.25,000/-. But Ex.A6 discharge bill issued by Sai Ram Hospital, Karimnagar shows that he spent an amount of Rs.14,033/- towards medical expenses. Further he was in the hospital from 30.5.2013 to 3.6.2013 due to head injury. Further as the minor petitioner has sustained head injury, he might not have attended to his school, which affected to his studies. Therefore, considering the nature of injury sustained by the minor petitioner and the treatment taken by him, the tribunal rightly awarded an amount of Rs.30,000/- towards pain and suffering, Rs.14,033/- towards medical expenses, Rs.20,000/- towards extra nourishment and transport charges and Rs.50,000/- for the loss of academic year. Thus, in all the petitioner awarded an amount of Rs.1,14,033/- under various heads, which is just and reasonable. Thus, there are no valid grounds to interfere with the findings of the Tribunal on this aspect.

13. With regard to the liability, as stated above, the accident occurred due to the rash and negligent driving of the driver of the RTC bus and as such, the tribunal rightly held that the respondent Nos.1 and 2 are jointly and severally liable to pay compensation. Therefore, in view of the above discussion, this Court is of the opinion that there are no valid grounds to interfere with the cogent findings given by the Tribunal and the appeal is liable to be dismissed.

14. The appeal is devoid of merit and it is accordingly dismissed. Pending miscellaneous applications, if any, shall stand closed.