

(1986) 01 MP CK 0005
In the Madhya Pradesh High Court

Madhya Pradesh State Road Transport Corporation	APPELLANT
Vs	
Prem Bai and Others	RESPONDENT

Date of Decision : 15-01-1986

Acts Referred:

Citation : (1986) 1 ACC 536

Hon'ble Judges : P.C. Pathak, J

Bench : Single Bench

Judgement

P.C. Pathak, J.—This appeal is by M.P.S.R.T.C. (hereinafter referred as to the Corporation), against award dated 21-7-1980, in Claims Case No. 23/78, whereby respondents 1 to 4, were awarded compensation of Rs. 20,000/- with interest @ 6% per annum from 30-6-1978 till the date of recovery.

2. On 25-1-1978 at about 4-5 a.m., deceased Punaram was coming to Raipur on his bullock-cart. There were other bullock-carts going ahead of his bullock-cart. It is said that bus belonging to the Corporation and driven by respondent No. 5 was also proceeding to Raipur. The said bus was driven rashly and negligently as also without light. The said bus dashed against hind portion of the bullock-cart. Due to this, Punaram was thrown ahead from his own bullock-cart and was sandwiched between his own cart and the other cart going ahead of his cart. He received grievous injuries and was, therefore, shifted to hospital where he died on the same night at 8.30 p.m. Respondents one to four claimed Rs. 1,01,000/- as compensation for the death of Punaram and damages to the bullock-cart. The Corporation denied its liability. It was submitted that the driver of the bus blew horns which baffled the deceased. Due to which, he drove his bullock to the left. The cart suddenly became obliquely horizontal on the road. The bus driver, therefore could not bring the vehicle to stand still and it dashed against the cart. The unfortunate accident was thus out come of composite negligence of the cart driver and the driver of the bus. The claim for damages was also denied.

3. The Tribunal found that the bus was driven rashly and negligently and the accident took place on account of that. The Corporation was, therefore, held

liable to pay Rs. 20,000/- with interest as detailed above. Aggrieved by this award, the Corporation has filed the present appeal.

4. Learned Counsel for the appellant argued that the Tribunal erred in holding that the accident took place by the bus. He submitted that there was a truck coming from the opposite direction. The bus in question was, therefore, brought to halt behind the cart driven by the deceased. Since the light of the bus was put out, the bullocks of the cart got scared and carried the cart in the middle of the road. The truck coming from other direction bit the deceased. Therefore, the award should not have been passed against the Corporation. It was submitted that the compensation awarded is excessive.

5. After giving my anxious consideration, I am of the opinion, that this appeal has no force, the argument that the deceased met with an accident caused by truck is not pleaded in the written statement. The story was introduced in the evidence of Mandsingh respondent No. 5, the driver of the offending vehicle. I have gone through his statement and the manner which the accident is said to have taken place with the truck, could not be demonstrated by the learned Counsel during the course of the argument. If the bullock-cart turned to its right, it is the left side of the cart which comes in contact with the truck while the damage to the cart was on its right. The defence version is, therefore, not only false and after thought but also improbable. On behalf of the claimants there is over-whelming evidence of Moulchand, Mannu and Dbaniram which establishes beyond any doubt that the accident was caused by rash and negligent driving of the bus.

6. As regards quantum of compensation, I am of the opinion, that the amount is already low. Even though the age of the deceased was found to be 28 years, and the total life to be 65 years the multiplier chosen was ten, which on facts and circumstances of the case is too low. However, there is no cross-objection. The amount cannot be enhanced.

7. In view of the foregoing discussions, the appeal fails and is accordingly dismissed. Counsel fee according to schedule if certified.