

(2013) 01 RAJ CK 0066

In the Rajasthan High Court

Case No : Civil Miscellaneous Appeal No. 4163 of 2009 and Civil Miscellaneous Stay Application No. 2596 of 2009

Rajasthan State Road Transport Corporation and Another

APPELLANT

Vs

Smt. Vimla and Others

RESPONDENT

Date of Decision : 11-01-2013

Acts Referred:

Citation : (2013) 01 RAJ CK 0066

Hon'ble Judges : Mahesh Chandra Sharma, J

Bench : Single Bench

Advocate : Vinod Tyagi, for the Appellant; Vinay Mathur, for the Respondent

Final Decision : Dismissed

Judgement

Mahesh Chandra Sharma, J.—This appeal has been filed against the judgment and award passed by MACT. Brief facts of the case are that on 27.7.2006 at about 12 O'clock on National Highway No. 11 at village Bhopatpura Police Station Reengus, accident took place on account of collision in between Bus No. RJ 01P-4066 and Gypsy No. RJ 19 C 0668, wherein some persons died and other sustained injuries.

2. Thereafter claim petition was filed, notices were issued, issues were framed, evidence was recorded and after hearing both the sides, the learned Tribunal decreed an amount of Rs. 5,00,000/- in favour of claimants and against the non claimants.

3. The RSRTC has filed the aforesaid appeal challenging quantum of compensation.

4. Learned counsel for the Corporation contended the learned Tribunal has wrongly decided issue no. 1, whereby bus driver has been wrongly held liable in causing the said accident despite the fact that the bus driver had deposed categorically that the alleged accident did not occur as a result of faulty driving and he had halted the bus upon noticing that the Gypsy driver was driving his

vehicle at an excessive speed and negligently. Hence the finding on the issue is contrary to the provisions of law, hence the impugned award is liable to be quashed and set-aside.

5. E converso, the learned counsel for the respondents defended the impugned award and stated the same to be just and apposite.

6. I have heard learned counsel for the parties and carefully perused the impugned award including the relevant material on record.

7. In my considered view, the impugned award is found not to have suffered from any legal flaw, rather it is found to be just and apposite, based on cogent finding, with which I fully concur.

8. For the reasons stated, I do not find any ground to interfere in the impugned award passed by the learned Tribunal and the appeal filed by the appellant being bereft of any merit deserves to be dismissed, which stands dismissed accordingly. Stay application also stands dismissed.