
(2001) 11 AHC CK 0022
In the Allahabad High Court

Regional Manager, U.P.S.R.T.C.

APPELLANT

Vs

Smt. Saroj Upadhyaya and Others

RESPONDENT

Date of Decision : 08-11-2001

Acts Referred:

Citation : (2002) 2 ACC 416

Hon'ble Judges : V.M. Sahai, J;Sudhir Narain, J

Bench : Division Bench

Judgement

Sudhir Narain, J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Gorakhpur (hereinafter referred to as the "Tribunal") dated 26.3.2001 awarding Rs. 4,20,000/- as the compensation to the claimant-respondents.

2. The claim petition was filed by the claimant-respondents with the allegations that on 29.5.1994 at about 10.00 a.m. when Prem Narain Upadhyaya was returning home from attending a marriage party at Bansgaon in a Jeep No. UP-53/C-6845, a Roadways Bus No. UMV/9305 dashed against the said Jeep with the result the Jeep was damaged badly and Prem Narain Upadhyaya, who was travelling by the Jeep, received serious injuries and died due to the injuries sustained by him in this accident. The deceased left behind him his widow and 5 minor children. The appellant contested the claim petition, inter alia, by denying that the accident took place due to rash and negligent driving of the bus. The Tribunal after considering all the material evidence and perusing the record came to the conclusion that the accident took place due to rash and negligent driving of the bus and awarded Rs. 4,20,000/- as compensation to the claimant-respondents.

3. We have heard Mr. Ajay Singh, Learned Counsel for the appellant and perused the award and the material evidence on the record. The learned Counsel for the appellant submitted that the accident did not take place due to rash and negligent driving of the bus. We do not find that the finding recorded by the Tribunal is erroneous. On the question of quantum of compensation, it was found

by the Tribunal that the age of the deceased was about 35 years. He had a fair price shop and was also doing videography work.

4. We do not find any merit in this appeal. It is accordingly dismissed.

5. The amount of Rs. 25,000/- deposited by the appellant with this Court shall be remitted to the Tribunal concerned by the Registry within one month for payment/adjustment of the amount payable by the appellant to the claimant-respondents.