

---

**(2004) 08 AHC CK 0078**  
**In the Allahabad High Court**

|                                       |    |            |
|---------------------------------------|----|------------|
| U.P. State Road Transport Corporation | Vs | APPELLANT  |
| Chetra Pal Singh and Others           |    | RESPONDENT |

---

**Date of Decision :** 19-08-2004

**Acts Referred:**

**Citation :** (2005) 4 ACC 403

**Hon'ble Judges :** Prakash Krishna, J

**Bench :** Single Bench

---

### **Judgement**

Prakash Krishna, J.—Kumari Babali aged about 11 years daughter of claimant-respondent Nos. 1 and 2 on 5th of June, 1991 at about 6.10 a.m. while going along her sister Kumari Asha was crushed to death by Bus No. U.P. 25 / 583. The accident took place near the turning point of the over bridge while going to the Temple of Baba Vishwanath. On account of the accident Kumari Babali expired on the spot. Iqbal Singh who was respondent No. 1 in the claim petition was driving the Bus in question. On account of the accident Kumari Babali expired on the spot. A First Information Report was lodged on 5th of June, 1991 at 6.30 a.m. and the driver of the Bus was arrested by the Police at 7.15 a.m near Rehariya.

2. Claim petition No. 78 of 1991 was filed by the claimant-respondents claiming a compensation of Rs. 3,61,000 on account of death of their minor daughter Kumar Babali. The Claims Tribunal by its judgment and order dated 11.5.1994 has allowed the petition in part and quantified the damages at Rs. 52,500 with interest. Challenging the said award the present appeal has been filed.

3. Heard the learned Counsel for the appellant. It was submitted that the findings recorded by the Tribunal on the question of rash and negligent driving and with regard to the quantum of compensation are liable to be set aside being perverse and against the material on record.

4. Under the issue No. 1 the Tribunal has found that the accident took place as stated in the claim petition. PW 1, the father of the deceased was accompanying Kumari Babali (deceased) at the time of accident. His statement has been

corroborated by another witness PW 2. The Tribunal has rightly refused to place reliance upon the testimony of driver DW 1. It has come to the conclusion that the police arrested the driver on the same day who was admittedly in charge of vehicle in question as a driver. Although the driver of the vehicle has denied the accident but the same has been rightly not accepted by the Tribunal. The Tribunal has taken into account the attending fact and circumstances of the case and has rightly disbelieved the version of the driver of the Bus. The learned Counsel for the appellant could not point out any factual or legal error in the findings of the Tribunal that the vehicle in question was being run rashly and negligently and that Kumari Babali died due to the rash and negligent driving of the Bus in question.

5. Under the issue No. 2 the Tribunal has awarded a sum of Rs. 25,000 for mental and physical agony and another Rs. 25,000 for the loss of happiness, comforts, love and affection to the claimants. Rs. 2,500 has been awarded towards the expenses of last rites. The rest of the claim has been denied by the Tribunal. The learned Counsel for the appellant could not point any illegality in granting a decree of damages to the tune of Rs. 52,500 in all. There is no merit in the appeal. The appeal is dismissed.

Office is directed to remit Rs. 25,000 deposited in this Court, if not already remitted.