

(2002) 12 AHC CK 0006
In the Allahabad High Court

U.P. State Road Transport Corporation	Vs	APPELLANT
Kaptan Singh and Others		RESPONDENT

Date of Decision : 05-12-2002

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2003) 1 ACC 592

Hon'ble Judges : S.P. Srivastava, J;M.P. Singh, J

Bench : Division Bench

Judgement

M.P. Singh, J.

Heard the learned Counsel for the appellant.

1. The appellant feels aggrieved by the award of an amount of Rs. 2,02,400/- as compensation to the claimant on account of simple and grievous injuries sustained by him causing permanent disability upto the limits of 50% in the accident involving the offending motor vehicle, Bus No. U.P. 75A/3515 owned by U.P.S.R.T.C., Shikohabad Depot.

2. Brief facts giving rise to this appeal are that on 1.12.1999 at about 6 a.m. at place in front of newly constructed hospital at Mainpuri-Bhongaon Road within the local limits of P.S. Bhongaon, District Mainpuri while the claimant was driving Tanker No. U.P. 76/9231 from Bewar to Mathura, the driver of the aforesaid Roadways bus drove the bus rashly and negligently and dashed the aforesaid Tanker and caused serious injuries to the claimant and one helper. Both legs were fractured and operated and iron rods have been placed inside both the legs. Socket of right hip has also been damaged and an artificial socket is replaced and he has become permanent disabled upto the limits of 50%. He has lost his earning capacity completely and has been removed from the service. He was forced to spent a huge amount for his treatment beyond his capacity. He is still going under treatment and is walking on sticks (Baisakhi). He was bed-ridden for months together and has been shocked mentally and all the future hopes and

prospects of the life has been despaired. He is unable to earn the bread in order to maintain six family members depending upon him. At the time of the accident he was 35 years of age and earning Rs. 4,000/- per month as salary.

3. The owner of the tanker, New India Assurance Company and the U.P.S.R.T.C. denied the liability to pay the compensation.

4. The learned Tribunal awarded the compensation and directed the New India Assurance Company Ltd. and the U.P.S.R.T.C. to pay the amount of compensation equally half and half.

5. The learned Counsel for the appellant alleged that the negligence of the driver has not been proved and the amount of compensation is excessive.

6. No evidence was led by the appellant and the injuries sustained by the claimant has not been seriously challenged.

7. Taking into consideration the totality of the circumstances as brought on the record, this appeal is totally devoid of merits, which deserves to be and is hereby dismissed in limine.

8. As prayed, the amount of Rs. 25,000/- deposited in this Court by the appellant u/s 173 of the Motor Vehicles Act be remitted to the Motor Accident Claims Tribunal concerned so that it may be disbursed to the claimants.