

(2001) 10 AHC CK 0026
In the Allahabad High Court
Case No : F.A.F.O. No. 458 of 2001

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

Date of Decision : 31-10-2001

Acts Referred:

Motor Vehicles Act, 1988 — Section 173

Citation : (2003) ACJ 1598

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

Bench : Division Bench

Advocate : Samir Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Sudhir Narain and V.M. Sahai, JJ.—This appeal is directed against the order dated 8.12.2000 passed by Motor Accidents Claims Tribunal awarding compensation of Rs. 2,29,000 to the claimants-respondents.

2. The claim petition was filed with the allegation that on 6.8.1998 due to rash and negligent driving of the Corporation bus No. UP 65-G 0618 by Raj Kumar dashed with the Tempo No. UP 71-A 6924 driven by Ram Babu, he received fatal injuries. He died in the accident.

3. The claim petition was contested by the appellant. It was denied that the vehicle was being driven rashly and negligently by the driver of the Corporation bus. The Tribunal after considering the material and evidence on record, came to the conclusion that the accident was caused due to rash and negligent driving of the Corporation bus. The claimants-respondents were entitled to compensation of Rs. 2,29,000.

4. The order of the Tribunal has been challenged in the present appeal.

5. We have heard Mr. Samir Sharma, learned Counsel for the appellant.

6. Learned counsel for the appellant has assailed the findings recorded by the

Tribunal.

7. It was contended that the deceased was guilty of contributory negligence. The mere fact that there was head-on collision, does not establish that deceased Ram Babu was guilty of contributory negligence. The Tribunal has considered this aspect. We do not find any error in the order.

8. Learned counsel for the appellant contended that the Corporation bus in question was not involved in the accident.

9. We have perused the judgment and material placed before us. The findings do not suffer from any legal infirmity. It recorded finding that the bus in question was involved in the accident.

10. It is further contended that the amount as awarded is excessive. The deceased left behind him his widow and three minor children. Considering the material, evidence and facts placed before us we do not find that the amount awarded is excessive.

11. It may further be noted that the appellant has not deposited Rs. 25,000, which was required to be deposited before filing of the appeal before this Court. The appeal is also not maintainable u/s 173 of Motor Vehicles Act, 1988.

12. The appeal is dismissed.