

(2001) 10 AHC CK 0002
In the Allahabad High Court
Case No : F.A.F.O. No. 1611 of 2001

U.P. State Road Transport Corporation	APPELLANT
Vs	
Raj Kumar Gupta and Others	RESPONDENT

Date of Decision : 30-10-2001

Acts Referred:

Citation : (2002) ACJ 2049

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sudhir Narain and V.M. Sahai, JJ.—This appeal is directed against the order dated 21.7.2001 passed by the Motor Accidents Claims Tribunal, Aligarh awarding a sum of Rs. 8,32,758 to the claimants-respondents as compensation.

2. Respondent No. 1 filed claim petition before the Tribunal with the allegations that on 5.5.1997 he was travelling in bus No. UP-15-B 8413 owned by U.F. State Road Transport Corporation. When the bus reached near Golauti one private bus No. PAV 6351 coming from the opposite direction collided with the bus. He, his wife Satya Gupta and son Akash Gupta suffered serious injuries due to rash and negligent driving of the bus owned by the appellant. His both legs were fractured. He was treated in Lok Priya Hospital, Meerut, Sir Gangaram Hospital, Delhi and Apollo Hospital, Delhi. He incurred expenses and claimed Rs. 62,98,286 as compensation.

3. The claim petition was contested by the appellant and the appellant took various pleas. It was denied that the accident was caused due to rash and negligent driving of the driver of the bus of the appellant. The amount claimed was alleged to be excessive. The Tribunal recorded finding that the accident was caused due to rash and negligent driving of the driver of the bus and on consideration of material evidence came to the conclusion that the claimant was entitled to compensation of Rs. 8,32,758. The appellant has filed the appeal

against this order.

4. We have heard Mr. P.N. Rai, learned counsel for the appellant. Learned counsel for the appellant has assailed the findings recorded by the Tribunal. It is urged that the amount awarded by the Tribunal is excessive.

5. The Tribunal found that respondent No. 1 was treated in different hospitals. He incurred heavy expenses. He was Deputy Manager of U.P. State Bridge Corporation. He incurred Rs. 21,572.25 in Lok Priya Hospital, Meerut, Rs. 73,524 in Sir Gangaram Hospital, Delhi and Rs. 3,63,492 in Apollo Hospital, Delhi. Learned Tribunal, after considering the expenses incurred by the respondent No. 1 and taking into consideration that his right leg was amputated, has awarded compensation of Rs. 8,32,758.

6. On perusal of the impugned award and the material placed before us we do not find that the order passed by the Tribunal suffers from any legal infirmity.

7. The appeal is accordingly dismissed.

8. Rs. 25,000 deposited by the appellant in this court shall be remitted by the Registry to the Tribunal within one month for payment/adjustment of the amount towards the claim of the respondents.