

(2001) 11 AHC CK 0127
In the Allahabad High Court

U.P. State Road Transport Corporation	Vs	APPELLANT
Smt. Laung Shree and Another		RESPONDENT

Date of Decision : 06-11-2001

Acts Referred:

Citation : (2002) 1 ACC 603

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

Bench : Division Bench

Final Decision : Dismissed

Judgement

Sudhir Narain, J.—This appeal is directed against the award of the Motor Accident Claims Tribunal, Ghaziabad (in short the Tribunal) awarding Rs. 1,12,360/- as compensation to the claimant-respondent.

2. The claim petition was filed by the claimant-respondent with the allegations that while she was standing at the gate of Bus Stand on 16.11.1998 waiting for a bus, the driver of Roadways Bus No. U.P. 80 N/9873 came rashly and negligently and dashed against her, with the result her right leg was crushed. She was treated in the hospital and her right leg below the knee was amputated. She used to sell Ghee.

3. The appellant contested the claim petition on various grounds. It was pleaded that in fact claimant-respondent was herself guilty. She fell down because other co-passengers who were getting down from the bus pushed the claimant-respondent. The driver of the Corporation bus was not driving rashly and negligently.

4. The Tribunal recorded a finding that the accident was caused due to rash and negligent driving of the driver of the Corporation bus and awarded Rs. 1,12,360/- as compensation to the claimant-respondent.

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

6. Learned Counsel for the appellant has assailed the finding recorded by the

Tribunal. It was found that the driver of the bus was driving the vehicle rashly and negligently on account of which the accident had taken place. As regards the compensation it was found that right leg of respondent No. 1 below the knee was amputated. She used to carry on business of selling Ghee and was earning Rs. 1,050/- per month. She spent Rs. 40,000/- on her treatment.

7. On perusal of the impugned order and the material placed before us, we do not find any infirmity in the finding recorded by the Tribunal.

8. The appeal is accordingly dismissed.

9. Rs. 25,000/- deposited by the appellant in this Court, shall be remitted by the Registry of this Court to the Motor Accident Claims Tribunal concerned within one month for payment/adjustment of the amount payable by the appellant to the claimant-respondents.