

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 510-511 OF 2009
(Arising out of SLP(C) Nos. 17570-17571/2007)

Managing Director, A.P.S.R.T.C.

...Appellant(s)

Versus

M.Usha & Ors.

...Respondent(s)

ORDER

Leave granted.

Heard learned counsel for the appellant-Corporation.

There is no appearance on behalf of the respondents in spite of service of notice.

Respondents filed an application under Sec.166 of the Motor Vehicles Act, 1988, (in short 'the Act') for compensation of Rs.12,00,000/-. It was their case that one M.Amarender Reddy (hereinafter referred to as 'deceased') was traveling in a bus owned by the Corporation. The driver of the bus, who was driving the vehicle in a rash and negligent manner, suddenly applied the brakes as a result of which the deceased was thrown out of the bus and was injured and ultimately succumbed. He was aged about 24 years of age.

The learned Additional District Judge, Motor Accidents Claims Tribunal, (in short 'MACT') Hyderabad, held that the deceased was also partly responsible for the accident as he was traveling on the footboard of the vehicle. Therefore, the contributory negligence was fixed at 25% and consequential deduction was made by fixing the monthly income of the deceased at Rs.3,000/-. Accordingly an amount of Rs.2,58,000/- was awarded as compensation with interest at 12% p.a. from the date of the claim.

An appeal was preferred by the claimants before the High Court. The Corporation also filed appeal before the High Court. By the impugned judgment, the High Court held that there was no negligence on the part of the deceased. It enhanced the compensation by Rs.204,000/- with interest at 6% p.a. from the date of claim till date of realization. It is to be noted that the MACT had worked out the loss of dependency at Rs.1,500/- by deducting 50% of the monthly income. The High court reduced the deduction to Rs.1,000/- p.m. It is to be noted that the appeal filed by the Corporation was dismissed.

Learned counsel for the appellant submitted that the High court

accepted that there was scope for negligence as claimed; but came to the conclusion that there was no negligence on the part of the deceased.

Taking into account the relevant materials on record, we reduce the compensation to Rs.3,25,000/- to be paid along with interest at the rate of 6% p.a. from the date of the claim. The balance amount, after adjustment of amounts already deposited shall be paid within a period of six weeks.

The appeals are allowed to the above extent.

.....J.
(Dr. ARIJIT PASAYAT)

.....J.
(ASOK KUMAR GANGULY)

New Delhi,
January 27, 2009.