

(2009) 05 AHC CK 0187

Allahabad High Court

Case No: None

U.P.S.R.T.C.Thru" Its Regional
Manager

APPELLANT

Vs

Rajveer @ Subhash

RESPONDENT

Date of Decision: May 29, 2009

Hon'ble Judges: Pankaj Mithal, J

Final Decision: Dismissed

Judgement

Heard Sri A.K.Mishra learned counsel for the appellant.

The Tribunal has awarded a total sum of Rs.59716/ and 7% interest on it for the injuries sustained by the claimant/respondent in the accident said to have taken place on 3.6.2004.

The first argument of the learned counsel for the appellant is that no accident took place with the bus in question. The claimant/respondent was a pedestrian and he was hit by a running bus. The driver was caught on the spot, beaten by the public and a first information report was lodged in which chargesheet was submitted. Merely for the reason that the driver of the bus claims that no accident took place with his bus and some other bus hit the claimant/respondent, it cannot be said that the bus in question was not involved in the accident.

The second submission is that the compensation awarded is excessive. The Tribunal has recorded a finding that on account of the injuries sustained by the claimant/respondent he remained hospitalised from 3.6.2004 to 22.10.2004, i.e. nearly about 3 months and he had produced vouchers and receipts for his medical treatment amounting to Rs.29,716/. In view of aforesaid facts, as the claimant/respondent remained hospitalised for nearly 3 months and has produced receipts of medical treatment for a sum of Rs.30,000/ the amount of Rs.59,716/ awarded against the appellant is not at all excessive.

The appeal has no merit and is dismissed.

The statutory deposit made before this Court shall be remitted to the Tribunal concerned for necessary adjustment.