

(2012) 01 AHC CK 0755

Allahabad High Court

Case No: First Appeal From Order No. 1782 of 2011

U.P.S.R.T.C.

APPELLANT

Vs

Manoj Kumar And Another

RESPONDENT

Date of Decision: Jan. 13, 2012

Hon'ble Judges: Yatindra Singh, J; Ram Surat Ram (Maurya), J

Bench: Division Bench

Advocate: J.N. Singh, for the Appellant; S.D. Ojha, for the Respondent

Final Decision: Dismissed

Judgement

1. Manoj Kumar (the Injured) was going on 8.10.2008 on his bicycle. At 15:00 hours, he was hit by bus no. UP 14 S - 7548 (the Bus) of a UP State Roadways Transport Corporation (the Corporation) in which he received injuries. Manoj Kumar (the Injured) filed a Motor Accident Claim Petition No. 1083 of 2008 for compensation.

2. The Motor Accident Claims Tribunal/Addl. District Judge, Court No. 17, Meerut (the Tribunal) by the judgment dated 11.2.2011 allowed the claim petition and awarded a compensation of Rs. 3,44,000/-. Hence the present appeal has been filed by the Corporation.

3. We have heard counsel for the appellant as well as counsel for the injured (claimant-respondent-1).

4. The counsel for respondent-1 submits that the claimant-respondent-1 has neither filed any appeal against the order of the award nor he intends to file one as he is satisfied with the award. With the consent of the parties, the appeal is decided at this stage.

5. Before the Tribunal, the claimant Manoj Kumar was examined as (PW-1) and Dr. Ravindra Singh (PW-2) and Sri Munesh Pandit (PW-3). On behalf of the appellant, Vikas Kumar (DW-1) was examined.

6. The Tribunal after considering the oral evidence of the parties as well as the FIR found that the accident was caused due to rash and negligent driving of the Bus driver. We do not find any illegality in the finding recorded by the Tribunal.
7. The Tribunal further held that from the bills and vouchers produced by the claimant, it is proved that Rs. 1,13,000/- was incurred as medical expenses of the claimant. It was rightly allowed.
8. The claimant had also filed disability certificate in which left side disability was 25% and on the right side disability was 5%. Total 30% disability was shown.
9. The Tribunal after considering the evidence of Dr. Ravindra Singh (PW-2) held loss of earning capacity to 25% and calculated compensation after taking the monthly income of Rs. 2000/- per month. The multiplier of 17 was applied according to age of the injured. There is no illegality in the finding. The appeal has no merit. It is dismissed. The amount deposited here may be sent to the court below for adjustment.