

Case :- FIRST APPEAL FROM ORDER DEFECTIVE No. - 250 of 2013

Petitioner :- Asstt. Manager, U.P.S.R.T.C. And Others

Respondent :- Smt. Rajani Alias Ranjana And Others

Petitioner Counsel :- Samir Sharma

Hon'ble Rakesh Tiwari,J.

Hon'ble Anil Kumar Sharma,J.

The cause shown is sufficient. Accordingly, the delay in filing the appeal is condoned.

Heard learned counsel for the appellants and perused the impugned award.

The appellant has challenged the award dated 21.09.2012 passed by the M.A.C.T. (Special Judge-E.C.Act), Hamirpur in M.A.C.C No. 74 of 2011 whereby a sum of Rs.4,17,000/- together with simple interest @ 6% per annum have been awarded to the Claimant Nos. 1 and 2.

In the instant case the husband of Claimant No. 1 suffered injury and later on he died during treatment. It was alleged that while the deceased was getting down from the roadways bus on 19.05.2011 at 12.30 p.m., the driver negligently started the bus due to which the deceased fell down and suffered injuries and later on died.

The appellants have not denied the accident but charged the deceased for his own negligence. The driver of the bus is being prosecuted by the police in the instant case. The Claimant No. 1 accompanied her husband along with minor child and they were to get down at bus stand Mamna. Since the deceased was traveling with his wife and minor daughter so it was not expected from him that he would try to get down from the moving bus. The Tribunal has appreciated the evidence adduced by the parties about negligence of the bus driver in particular the conductor of the bus who has accepted in his cross examination that the driver had not stopped the bus and it was in very slow speed.

We fully endorse the findings of the Tribunal on Issue No. 1.

The deceased was aged about only 24 years and his monthly income had been taken at Rs.3,000/- per month and deducting 1/3 for his personal and living expenses the dependency of the claimants have been taken at Rs.24,000/-. Applying multiplier of '17' compensation of the Rs.4,08,000/- alongwith Rs.5,000/- for loss of consortium, Rs. 2,000/- as funeral expenses and Rs.2,000/- as costs of legal proceedings have been awarded.

In view of the above, we do not find any factual or legal error in the impugned award. In our opinion the appeal has no merit and is accordingly dismissed at admission stage.

The statutory amount deposited in the Court be remitted back to the Tribunal concerned within two weeks.

Order Date :- 6.2.2013

Mukesh