APHC010033822019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench
Sr.No:-34
[3505]

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 57 of 2019

Oriental Insurance Company Ltd ...Appellant

Vs.

P Nageswara Rao and Others ...Respondent(s)

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Advocate for Appellant: K MADHUSUDHAN REDDY

Advocate for Respondent: A K KISHORE REDDY

CORAM : SRI JUSTICE T.C.D.SEKHAR

DATE : 17th July 2026

HON'BLE SRI JUSTICE T.C.D. SEKHAR

MACMA No.57 OF 2019

JUDGMENT:-

1. The Oriental Insurance Company Limited filed the present appeal questioning the order dated 18.04.2018 in MVOP No.77 of 2015, on the file of Motor Accidents Claims Tribunal-cum-IV Additional District Judge, East Godavari, at Kakinada.

2. For the sake of convenience, the parties are referred to as they were referred before the Tribunal.

3. The petitioner approached the Tribunal by filing claim petition under Section 166 of the Motor Vehicles Act and the Rules made thereunder claiming compensation of Rs.3,00,000/- at the first instance, and later the claim was made seeking to pay an amount of Rs.6,00,000/- together with interest on account of the injuries sustained by him in the accident that occurred on 12.12.2013, in which the offending vehicle Bolero Jeep bearing Registration Number AP05TU 7982 was involved.

4. It was the case of the petitioner that on 12.12.2013, while he was returning to Kakinada on his motorcycle bearing

Registration Number AP05BS 7148 along with his wife, when he reached near petrol bunk, the offending Jeep driven by 1st respondent came at high speed in rash and negligence manner and dashed the motorcycle. As a result, the petitioner fell down on the road and on his right leg below knee skin was ruptured and the bones were exposed outside. It was further stated that after medical examination, it was found that bones of right leg were fractured apart from receiving multiple injuries all over the body of the petitioner. The petitioner was taken to Government General Hospital, Kakinada, where he has taken treatment as inpatient for a period of two (02) months. During the said period, the petitioner underwent surgeries. It was further stated that after discharge, he has taken follow-up treatment for the injuries sustained by him. A case in Crime No.293 of 2013 under Section 338 IPC was registered, on the file of Samalkota Police Station. In view of the injuries sustained by him, he approached the Tribunal by filing the abovementioned petition seeking to pay compensation of Rs.6,00,000/- as against respondent Nos.1 to 3.

5. The respondent Nos.1 & 2/driver and owner of the offending vehicle, remained ex-parte before the Tribunal. The 3rd respondent-Insurance Company filed counter affidavit denying

the averments made in the claim petition *Inter alia*, denying age, earning capacity, avocation and health condition of the petitioner as on date of accident. It was also denied that the 1st respondent/driver of the offending Jeep, was driven in rash and negligent manner as alleged by the petitioner. It was further contended that the accident was occurred due to the contributory negligence and therefore, it is not liable to pay compensation as claimed by the petitioner, apart from contending that claim was excessive.

6. In order to prove the case of the petitioner, he was examined as PW1 and Dr.Y.Nageswara Rao, who conducted surgery on the petitioner was examined as PW-2. The petitioner also filed documents which were marked in Exs.A1 to A7. Exs.X1 to X4 were marked through witness. On the other hand, the respondents filed copies of Insurance Policy and Driving License of the 1st respondent which were marked in Exs.B1 and B2. Further, no oral evidence is adduced on its behalf.

7. The Tribunal by order under challenge awarded compensation of Rs.6,00,000/- together with interest @ of 7.5% per annum from the date of petition till the date of realization by

fastening the liability of respondent Nos.1 to 3. Aggrieved by the same, the present appeal is preferred.

8. Heard, Sri K.Madhusudhan Reddy, counsel appearing for the appellant and Sri K.Nagendra Reddy, counsel representing on behalf of Sri A.K. Kishore Reddy for respondent No.1. Despite service of notice, there is no appearance for the respondent No.3. Notice sent to respondent No.2 was returned un-served. Since the 2nd respondent remained ex-parte before the Tribunal, this Court proceeded with the hearing.

9. Perused material available on record.

10. The counsel for the appellant, would strenuously contend that the 1st respondent did not possess valid driving license to drive the offending Bolero Jeep. He would further submit that, the 1st respondent obtained license on 17.12.2013 and whereas, the accident was occurred on 12.12.2013, thereby as on the date of accident he did not possess valid driving license. He would further submit that in order to prove the same, Smt.P.Sandhya Rani, Senior Assistant, working in the Transport Department was examined as RW-1, who deposed that the 1st

respondent has taken driving license on 17.12.2013 and therefore the 1st respondent no valid driving license at the time of accident.

11. On the other hand, the counsel for the 1st respondent/claimant would submit that the 1st respondent has valid driving license as on the date of accident by placing reliance on Ex.X4 extract of the license issued in favour of the 1st respondent. He would further submit that Ex.X4 license was issued on 07.05.2005 and the same was valid upto 15.12.2019. He would further submit that during the cross examination of RW-1, the Senior Assistant admitted that the 1st respondent had valid driving license as on the date of accident. A perusal of the cross-examination of RW-1, coupled with Ex.X4 would leave no doubt in the mind of this Court that the 1st respondent had valid driving license as on the date of accident. In view of the aforesaid observations, the contention of the counsel for the appellant in this regard is liable to be rejected.

12. It was further contended by the counsel for the appellant that the compensation awarded by the Tribunal was excessive and the petitioner is not entitled to receive the same. Inspite of the said contention, the Senior Executive of the

appellant was examined as RW-2. A perusal of the evidence of RW-2 would go to show that he deposed in connection with the issuance of policy. Further, he did not depose as to the entitlement of the petitioner to receive the compensation. On the other hand, the petitioner has filed copies of Wound Certificate, Disability Certificate, which were marked in Exs.A2 and A7 respectively. Apart from the same, he also filed copies of the X-rays and case sheet, so as to prove his case. Apart from the same, the petitioner also got examined Dr.Y.Nageswara Rao, who conducted surgeries to petitioner. A perusal of the evidence of PW-2 go to show that he conducted surgery on 12.12.2013 and another surgery on 22.01.2014. He further deposed that the petitioner was discharged on 18.02.2014, later he was readmitted on 19.02.2014 for removal of implants that were inserted during the surgeries. He further deposed that while advicing the petitioner to take bed rest for three (03) months, he categorically deposed that the petitioner is required to undergoing another surgery to unite the bone. Further PW-2 also issued disability certificate, which was marked in Ex.A7 mentioning the disability as 55%.

13. Though, PW-2 was cross examined at length, nothing was elicited to disprove his evidence. By appreciating the oral and documentary evidence placed by the petitioner, the Tribunal had arrived at just compensation. Though the counsel for the appellant strenuously contended that the compensation was excessive, a perusal of the evidence recorded by the Tribunal, it is clear that the same was given after appreciating oral and documentary evidence on record.

14. Viewed from any angle, this Court does not find any merit in the present appeal, accordingly the same is dismissed.

As a sequel, all pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE T.C.D.SEKHAR

10.07.2026
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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MACMA No.57 of 2019
Date: 17.07.2026

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