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APHC010429702014

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3520]**
(Special Original Jurisdiction)

TUESDAY, THE 21st DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 3834/2014

Between:

1. THE APSRTC, REP. BY ITS M.D., MUSHEERABAD, HYDERABAD

...APPELLANT

AND

1. EDIGA RAVI ANOTHER, S/O E. HANUMANTHAPPA CULTIVATION & T.V. MECHANIC MAREPALLI VILLAGE, KALYANDURG MANDAL, ANANTHAPUR DISTRICT.
2. M ABDUL KALAM, S/O M. RAZAK SAB MUSLIM, MAJOR D.NO. 8/585, JAYANAGAR, KALYANDURG ANANTAPUR DISTRICT.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtto allow the appeal by setting aside the Decree and Judgment dt. 17-2-2011 made in OP No. 777 of 2008 on the file of the Motor Accidents Claims Tribunal Cum Addl. District Judge, Anantapur and pass

IA NO: 1 OF 2012(MACMAMP 1816 OF 2012

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the

delay of 309 days that has occurred in filing the present appeal in the interest of justice and to pass

IA NO: 2 OF 2012(MACMAMP 1886 OF 2012

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings including the execution of the Judgement and decree made in OP No. 777 of 2008 dated 17-2-2011 on the file of MACT-cum-Addl. District Judge (FTC) Anantapur and to pass

Counsel for the Appellant:

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1. K SRINIVAS

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

M.A.C.M.A.No.3834 of 2014

JUDGMENT:

Introductory:

1. Respondent No.1 in O.P.No.777 of 2008 on the file of the Motor Accidents Claims Tribunal-cum-the Special Sessions Judge for Trial of SCs & STs Cases-cum-Additional District Judge, Anantapur (for short "the learned MACT") filed the present appeal questioning the order and decree dated 17.02.2011 passed by the learned MACT on the ground that the liability imposed on the appellant and the quantum of compensation awarded in favour of respondent No.1 / claimant are not correct.

2. Respondent No.2 herein is the driver of the A.P.S.R.T.C. Bus bearing No.AP 10Z 4189 (hereinafter referred to as "the offending vehicle"). He remained *ex parte* before the learned MACT.

3. For the sake of convenience, the parties will be hereinafter referred to as the petitioner/claimant and the respondents as and how they are arrayed before the learned MACT.

Case of the claimant:

4(i). On the fateful day i.e.18.07.2007 at about 08:00 a.m., when the petitioner was travelling in Jeep bearing No.AP 02 A 2889 near Nagireddypalli Village at about 12:30 p.m., the A.P.S.R.T.C. bus / the offending vehicle coming from Kalyandurg side came in rash and negligent manner and dashed against the jeep, whereby the accident

occurred. The petitioner sustained injuries on the head and all over the body. He was shifted to Government Hospital, Kalyandurg and from there to a private hospital. He took treatment for a period of two months and incurred medical expenditure of Rs.50,000/-.

(ii). A case in Crime No.20 of 2007 was registered against the driver of the offending vehicle in Brahmasamudram Police Station for causing the accident and subsequently the said driver of the offending vehicle was charge sheeted. Since the petitioner suffered grievous injuries and disability, he is entitled for just and adequate compensation.

Case of respondent No.1 / appellant :

5(i). The petitioner shall prove the pleaded accident, negligence of the driver of the offending vehicle, injuries suffered by the petitioner, nature and effect of injuries, medical expenditure incurred and entitlement for compensation.

(ii). Further, it is the specific case of respondent No.1/appellant that the negligence of the driver of the jeep is the cause for accident.

(iii). As there is no insurance to the jeep, the petitioner got the case foisted against the driver of the A.P.S.R.T.C. Bus / the offending vehicle and the petition is bad for non-joinder of necessary parties.

(iv). In any event the petition is liable to be dismissed against respondent No.1 / A.P.S.R.T.C.

Evidence:

6(i). The petitioner was examined as P.W.1.

(ii). Dr. M. Narendra Naik and Dr. Jagannath, who attend the petitioner, were examined as P.Ws.2 and 3.

(iii). Further, the petitioner relied on Ex.A1-FIR, Ex.A2-Wound Certificate, Ex.A3-Charge Sheet and Ex.A4-Disability Certificate issued by the Medical Board, Government General Hospital, Anantapur.

(iv). No evidence is adduced on behalf of the respondents.

Findings of the learned MACT:

7. By referring to the evidence of P.W.1, the injured and eye-witness and the crime record, the negligence of the driver of the RTC bus / the offending vehicle is acceptable. In view of the injuries mentioned in Ex.A2, the healing time of two months, the age of the petitioner being '35' years and also the opinion of the doctors who treated the petitioner i.e. P.Ws.2 and 3 and also the disability suffered by the petitioner assessed at 30%, the petitioner is entitled for compensation of Rs.75,000/- towards loss of income, Rs.25,000/- towards pain and suffering, Rs.6,000/- towards loss of earnings, and Rs.6,000/- towards medical expenses, extra nourishment, transportation and attendant charges. In all, the claimant is entitled for Rs.1,12,000/-.

Arguments in the appeal:

For the appellant / A.P.S.R.T.C:

8(i). There is no basis for imposing liability and believing the negligence of the driver of the APSRTC bus / the offending vehicle.

(ii). The negligence of the driver of the jeep is ignored.

(iii). The compensation awarded under various heads is excessive.

For the claimant:

9. The compensation awarded is not just and adequate and the same require enhancement.

10. Heard both sides extensively. Perused the record. Thoughtful consideration is given to the arguments advanced by both sides.

11. The points that arise for determination in this appeal are:

1) Whether the liability imposed and compensation awarded at Rs.1,12,000/- by the learned MACT under the impugned order and decree dated 17.02.2011 in O.P.No.777 of 2008 are sustainable in law and on facts or require any interference and if so on what grounds and to which extent?

2) What is the result of the appeal?

Point No.1:

Accident and Negligence:

Statutory Guidance:

12(i). As per Section 176 of the Motor Vehicles Act, the State Governments are entitled to make rules for the purpose of carrying effect to the provisions of the Motor Vehicles Act.

(ii). In relation to claims before the learned MACT, Rule 455 to Rule 476 of the A.P. Motor Vehicles Rules, 1989, vide Chapter No.11 provides comprehensive guidance. As per Rule 476 of the A.P. Motor Vehicles Rules, 1989, the claims Tribunal shall proceed to award the claim basing on the registration certificate of the vehicle, insurance policy, copy of FIR and Post- mortem certificate etc.

Precedential Guidance:

13. The Hon'ble Apex Court in ***Bimla Devi and others Vs. Himachal Road Transport Corporation***[1]***,*** in para 15 observed as follows:

> **"***15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties..*"

[1] *2009 (13) SCC 530*

14. However, the petitioner is an eye witness to the accident and injured, as P.W.1. he has clearly deposed about the accident. The driver of the A.P.S.RT.C bus / the offending vehicle is not examined. No other evidence is placed on record by appellant. There is no oath against oath. Therefore, findings of the learned MACT on negligence need not be interfered.

Quantum:

Precedential Guidance:

15. A reference to parameters, for quantifying the compensation under various heads, addressed by the Hon'ble Apex Court is found necessary, to have standard base in the process of quantifying the compensation, to which the claimant is entitled.

(i) With regard to awarding just and reasonable quantum of compensation, the Hon'ble Supreme Court in ***Baby Sakshi Greola vs. Manzoor Ahmad Simon and Anr.***[2]**,** arising out of SLP(c).No.10996 of 2018 on 11.12.2024, considered the scope and powers of the Tribunal in awarding just and compensation within the meaning of Act, after marshaling entire case law, more particularly with reference to the earlier observations of the Hon'ble Supreme Court made in ***Kajal V. Jagadish Chand and Ors***.[3], referred to various heads under which, compensation can be awarded, in injuries cases vide paragraph No.52, the heads are as follows:-

S. No.	Head	Amount (In ₹)
1.	Medicines and Medical Treatment	xxxxx
2.	Loss of Earning Capacity due to Disability	xxxxx
3.	Pain and Suffering	xxxxx

[2]2025 AIAR (Civil) 1
[3]*2020 (04) SCC 413*

4.	Future Treatment		xxxxx
5.	Attendant Charges		xxxxx
6.	Loss of Amenities of Life		xxxxx
7.	Loss of Future Prospect		xxxxx
8.	Special Education Expenditure		xxxxx
9.	Conveyance and Special Diet		xxxxx
10.	Loss of Marriage Prospects		xxxxxx
	Total	Rs. …	xxxxxx

(ii). Hon'ble Apex Court in ***Yadava Kumar Vs. Divisional Manager, National Insurance Company Limited and Anr.,***[4] vide para No.10, by referring to ***Sunil Kumar Vs. Ram Singh Gaud***[5]***,***as to application of multiplier method in case of injuries while calculating loss of future earnings, in para 16 referring to ***Hardeo Kaur Vs. Rajasthan State Transport Corporation***[6], as to fixing of quantum of compensation with liberal approach, valuing the life and limb of individual in generous scale, in para 17 observed that :-

> *"The High Court and the Tribunal must realize that there is a distinction between compensation and damage. The expression compensation may include a claim for damage but compensation is more comprehensive. Normally damages are given for an injury which is suffered, whereas compensation stands on a slightly higher footing. It is given for the atonement of injury caused and the intention behind grant of compensation is to put back the injured party as far as possible in the same position, as if the injury has not taken place, by way of grant of pecuniary relief. Thus, in the matter of computation of compensation, the approach will be slightly more broad based than what is done in the matter of assessment of damages. At the same time it is true that there cannot be any rigid or mathematical precision in the matter of determination of compensation."*

[4] *2010(10)SCC 341*
[5] 2007 (14) SCC 61
[6] 1992(2) SCC 567

(iii). In ***Rajkumar Vs. Ajay Kumar and Another***[7], the Hon'ble Apex Court summarized principles to be followed in the process of quantifying the compensation after referring to socio economic and practical aspects from which, the claimants come and the practical difficulties, the parties may face in the process of getting disability assessed and getting all certificates from either the Doctors, who treated, or from the medical boards etc. principles summarized *vide* para No.19 are as follows:

> ***19.*** *We may now summarise the principles discussed above:*
>
> *(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.*
>
> *(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that the percentage of loss of earning capacity is the same as the percentage of permanent disability).*
>
> *(iii) The doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.*
>
> *(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.*

(iv) In ***Sidram vs. United India Insurance Company Ltd. and Anr***.[8] vide para No.40, the Hon'ble Apex Court referred to the general principles relating to

[7] 2011 (1) SCC 343
[8] 2023 (3) SCC 439

compensation in injury cases and assessment of future loss of earning due to permanent disability by referring to ***Rajkumar's*** case, and also various heads under which compensation can be awarded to a victim of a motor vehicle accident.

(v) In ***Sidram's*** case, reference is made to a case in ***R.D. Hattangadi V. Pest Control (India) (P) Ltd.***[9]**.** From the observations made therein, it can be understood that *while fixing amount of compensation in cases of accident, it involves some guess work, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused. But, all these elements have to be viewed with objective standards. In assessing damages, the Court must exclude all considerations of matter which rest in awarding speculation or fancy, though conjecture to some extent is inevitable.*

Analysis and findings:

16. As per wound certificate the petitioner sustained following injuries.

(1) Head injury on fore head, 52x1 cm, bleeding present,

(2) Injury to right knee, bleeding present

(3) Bleeding from nose and

(4) Abrasion over left side of face

17. P.W.2 / Dr. M. Narendra Naik deposed that on 18.07.2007 he examined P.W.1 and found the injuries mentioned above and that he has issued the wound certificate-Ex.A2. He has opined that injury No.2 is grievous in nature.

[9] 1995 (1) SCC 551

18. P.W.3 / Dr. Jagannath deposed that he is one of the members of the Medical Board, GGH, Anantapur. The disability of the petitioner was assessed at 30% by the Medical Board. There is dislocation of the right hip, which was reduced, leading to mild arthritis. Injury to the right knee resulted in partial patellectomy with wasting of right thigh muscles and decreased range of movements of the right hip and right knee joint. Limping is present. The disability assessed is not for the whole body, but for the limb only.

19. The petitioner was aged about 35 years, as per Ex.A2. He claimed that he was a T.V. Mechanic and was also attending cultivation. No proof is filed. Even for medical expenditure, medical bills etc. are not filed. But, notionally reasonable amount can be awarded to the petitioner. From the evidence, the following aspects are clear.

(i). the petitioner sustained four injuries and one among them is grievous.

(ii). The petitioner suffered 30% disability.

(iii). There is no proof of income, but notional income can be accepted.

20. This Court finds that, upon considering the socio-economic circumstances of the year 2008, the income of the petitioner can be taken at around Rs.3,000/- per month. After adding future prospects to the tune of 40%, his income can be taken at Rs.4,200/- per month. In view of the 30% disability, loss of income can be accepted at Rs.1,260/- per month, which comes to Rs.15,120/- per annum. For the age group of 31-35 years, the applicable multiplier is ‘16’. When the same is applied, the entitlement of the

claimant for compensation under the head of permanent disability comes to Rs.2,41,920/- (Rs.15,120/- x 16).

21. In the light of the evidence and the precedential guidance, the entitlement of claimant for reasonable compensation in comparison to the compensation awarded by the learned MACT is found as follows:

Sl. No.	**Head**	**Granted by the learned MACT**	**Fixed by this Appellate Court**
1.	Pain and suffering	Rs.25,000/-	**Rs.25,000/-**
2.	Loss of earnings (during treatment)	Rs.6,000/-	**Rs.6,000/-**
3.	Extra nourishment	Rs.6,000/-	**Rs.6,000/-**
4.	Transportation		**Rs.5,000/-**
5.	Attendant charges		**Rs.5,000/-**
6.	Medical expenditure/treatment		**Rs.10,000/-**
7.	Loss of earning capacity due to permanent disability	Rs.75,000/-	**Rs.2,41,920/-**
	Total:	Rs.1,12,000/-	**Rs.2,98,920/-**
	Interest (per annum)	7.5%	6%

22. For the reasons aforesaid and in view of the discussion made above, the point framed is answered in favour of the claimant, concluding that the claimant is entitled for compensation of Rs.2,98,920/- with interest at the rate of 6% per annum and the order and decree dated 17.02.2011 passed by the learned MACT in O.P.No.777 of 2008 requires modification accordingly.

Granting of more compensation than what claimed, if the claimant is otherwise entitled:-

23. The legal position with regard to awarding more compensation than what claimed has been considered and settled by the Hon'ble Supreme Court holding that there is no bar for awarding more compensation than what is claimed. For the said preposition of law, this Court finds it proper to refer the following observations of the Hon'ble Supreme Court made in:

(1) **Nagappa Vs. Gurudayal Singh and Others[10],** at para 21 of the judgment.

(2) ***Kajal Vs. Jagadish Chand and Ors***.[11] at para 33 of the judgment.

(3) ***Ramla and Others Vs. National Insurance Company Limited and Others[12]*** at para 5 of the judgment.

Enhancement of compensation in the absence of appeal by the claimant:

24(i). Whether the compensation can be enhanced in the absence of an appeal or cross appeal by the claimant. The legal position as to powers of the Appellate Court particularly while dealing with an appeal in terms of Section 173 of the Motor Vehicles Act, 1988, where the award passed by the learned MACT under challenge at the instance of the Insurance Company (Respondents) and bar or prohibition if any to enhance the quantum of compensation and awarding just and reasonable compensation, even in the absence of any appeal or cross objections was considered

[10] (2003) 2 SCC 274
[11] *2020 (04) SCC 413*
[12] (2019) 2 SCC 192

by the Division Bench of this Court in a case between ***National Insurance Company Limited vs. E. Suseelamma and others***[13] in M.A.C.M.A. No.945 of 2013, while answering point No.3 framed therein vide, para 50 of the judgment.

(ii). Observations made by the Division Bench of this Court in ***National Insurance Company Limited vs. E. Suseelamma and others*** (13 supra) case are in compliance with the observations of Hon'ble Apex Court in ***Surekha and Others vs. Santosh*** **and Others**[14]**.**

(iii). In ***Surekha and Others vs. Santosh*** **and Others** (14 supra) case, in Civil Appeal No.476 of 2020 *vide* judgment dated 21.01.2020, three judges of the Hon'ble Supreme Court observed that "it is well stated that in the matter of Insurance claim compensation in reference to the motor accident, the Court should not take hyper technical approach and ensure that just compensation is awarded to the affected person or the claimants". While addressing a case where the High Court has declined to grant enhancement on the ground that the claimants fail to file cross appeal above observations are made.

Point No.2:

25. In the result, the appeal is dismissed. However,

(i) The compensation awarded by the learned MACT in O.P.No.777 of 2008 at Rs.1,12,000/- with interest at the rate of 7.5% per annum is modified and enhanced to Rs.2,98,920/- with interest at the rate of 6% per annum from the date of petition till the date of realization.

[13] 2023 SCC Online AP 1725
[14] (2021) 16 SCC 467

(ii) Claimant is liable to pay the Court fee for the enhanced part of the compensation, before the learned MACT.

(iii) Respondent No.1 before the learned MACT / A.P.S.R.T.C is liable to pay the compensation.

(iv) Time for payment/deposit of the balance amount is two months.

(a) If the claimant furnishes the bank account number within 15 days from today, the Respondents shall deposit the amount directly into the bank account of the claimant and file the necessary proof before the learned MACT.

(b) If the claimant fails to comply with (iii)(a) above, respondent No.1 / A.P.S.R.T.C shall deposit the amount before the learned MACT and the claimant is entitled to withdraw the amount at once on deposit.

(v) There shall be no order as to costs in the appeal.

26. As a sequel, miscellaneous petitions, if any, pending in the appeal shall stand closed.

A. HARI HARANADHA SARMA, J

Date:21.07.2026
Knr

Whether the order is:

Speaking		Reasoned	✓
Reportable		Non-reportable	✓

HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

M.A.C.M.A.No.3834 of 2014

21.07.2026

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