APHC010670262022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3333]
(Special Original Jurisdiction)

THURSDAY, THE 13th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 535/2022

Between:

1. DESINENI @ BETHINENI VENKATEWARA RAO, S/O. NARASIMHA RAO NOW AGED ABOUT 37 YEARS, 2ND LINE, KORITEPADU, GUNTUR CITY, GUNTUR DISTRICT

...APPELLANT

AND

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION, REP. BY ITS REGIONAL MANAGER, RTC DEPOT, GUNTUR.
2. MAHANKALI MALLIKHARJUNA RAO, S/O. ANJANEYULU, AGED ABOUT 41 YEARS, SAGAR ROAD, 20TH WARD, MACHERIA, GUNTUR DISTRICT (DRIVER OF THE RTC BUS AP 29 Z 852)
3. NARALA SRINIVASULU, S/O. BALAIAH, AGED ABOUT 16-31, NALLABVARI ROAD, YERRAGADDA, NAGARKURNOOL TALUK, MAHABOOB NAGAR DISTRICT (DRIVER OF RTC BUS AP 22 Z 0089)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to set aside the Judgment and decree passed in M.V.O.P. No. 334/2017 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Addl. District Judge, Guntur dated 15-10-2022 and enhance the compensation to Rs.6,00,000/- as claimed or more together with interest at the rate of

12percent per annum from the date of filing the Original Petition till the date of realization and pass

IA NO: 1 OF 2022

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 pleased to permit him to amend the amount of compensation claimed from Rs. 2,00,000/- to Rs. 6,00,000/- in the Original Petition in MVOP No. 334/2017 on the file the court of the Chairman, Motor Accidents Claims Tribunal-cum-IV Addl. District Judge, Guntur and to pass

Counsel for the Appellant:

1. SIVA PRASAD KATAKAMSETTY

Counsel for the Respondent(S):

1. P VENKATA RAO SC For APSRTC

The Court made the following:

JUDGMENT:-

This appeal is filed by the appellant/claim petitioner aggrieved by the award dated 15.10.2022 passed by the Chairman, Motor Accidents Claims Tribunal – cum – IV Additional District Judge, Guntur in M.V.O.P.No.334 of 2017, whereby, the Tribunal awarded compensation of Rs.1,66,280/- as against the claim of Rs.2,00,000/-.

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

3. The claim petitioner is the injured; the 2nd and 3rd respondents are drivers of the bus bearing Nos.AP-29-Z-852 and AP-22-Z-0089 respectively, belonging to the 1st respondent corporation. It is the case of the petitioner that on 14.07.2015, at about 08.45 p.m., while he was travelling in the bus bearing No.AP-29-Z-852 (hereinafter referred to as 'offending vehicle'), being driven by the 2nd respondent, another bus bearing No.AP-22-Z-0089 moving in opposite direction collided with the offending vehicle near Brahmanapalli Addanki – Narketpally highway road, Piduguralla mandal, Guntur district; as a result of such collision, the petitioner sustained grievous injuries (dislocation of right shoulder and fracture of right humerus). The incident was reported to Police and a case was registered against the 2nd respondent in Crime No.234/2015 on the file of Piduguralla police station; after due investigation, Police filed charge-sheet against the 2nd respondent. The petitioner claimed to be working as an executive in Maruthi showroom, Piduguralla and that he is being paid a salary of Rs.8,000/- per month and that he lost his earning power due to the said accident and that he had to undergo mental agony. Seeking compensation of Rs.2,00,000/- for the injuries sustained by him, the petitioner filed the claim petition before the Tribunal under Section

166 of the Motor Vehicles Act, 1988 and Rules 455 and 476 of the Andhra Pradesh Motor Vehicle Rules.

4. The 3rd respondent remained exparte. The 1st and 2nd respondents contested the claim petition by filing their written statements contending that the petitioner has to prove that his monthly income is Rs.8,000/- and that the compensation claimed is highly excessive and disproportionate to the injuries sustained by him. Hence requested to dismiss the claim petition.

5. Basing on the above pleadings, the Tribunal framed the following issues for trial:

1) Whether the accident occurred due to rash and negligence of driver APS RTC bearing No.AP29 A 852? (or) Whether the accident occurred due to rash and negligence of driver of APS RTC bearing No.AP29 Z 0089?

2) Whether the petitioner is entitled to compensation for the injuries sustained by him in the accident, if so, to what amount and from whom?

3) To what relief?

6. During the course of trial, the petitioner got examined P.Ws.1 and 2, Exs.A1 to A3 were marked. No oral or documentary evidence was adduced on behalf of the respondents.

7. The Tribunal, after considering all the facts and material available before it, awarded Rs.1,66,280/- to the petitioner by holding respondent Nos.1 to 3 jointly and severally liable to pay. Seeking enhancement of the compensation awarded by the Tribunal, the claim petitioner filed the present appeal by contending that though P.W.2 – Orthopedic Surgeon, who treated the claim petitioner assessed his functional disability as 20%, the Tribunal erred in fixing the same as 10%

and that the Tribunal ought to have awarded more compensation considering the severity of the injuries sustained by the petitioner.

8. Heard Sri. Katakamsetty Siva Prasad, learned counsel for the appellant/claim petitioner and Sri. N. Subramanya Rupesh, learned counsel representing Sri. P. Venkata Rao, learned counsel for the respondent corporation.

9. Perused the entire material available on record. It can be seen from the material available on record that the appellant/petitioner himself got examined as P.W.1 and reiterated the manner of occurrence of the accident. The evidence of the appellant/petitioner, being injured witness, carries high value. Even otherwise, it can also be seen that the Police have registered a crime against the 2nd respondent and after due investigation, a charge-sheet was also filed against the 2nd respondent which is marked as Ex.A2. In the absence of any rebutting evidence on the part of the respondents, the Tribunal, relying on the evidence of the appellant/petitioner coupled with Exs.A1 and A2, rightly held that the appellant/petitioner sustained injuries due to the rash and negligent driving of the 2nd respondent; the same need not be interfered with by this Court.

10. The appellant/petitioner got examined P.W.2 – Orthopedic Surgeon, Sanjana Specialty Hospital, Sattenapalli who deposed that the appellant/petitioner got admitted in the said hospital for treatment of fracture dislocation of right shoulder and for fracture tuberosity of right humerus. P.W.2 deposed that the appellant/petitioner got discharged on 16.07.2015; that the appellant/petitioner suffered permanent and partial disability of 20% for the right limb and that it would be difficult for him to perform extreme movements. However, as the appellant/petitioner failed

to place on record the report issued by a competent medical board assessing his partial disability, the Tribunal assessed the functional disability of the appellant/petitioner as 10%. It can be understood that though P.W.2, the doctor who treated the claim petitioner immediately after the accident deposed that the claim petitioner suffered 20% functional disability, no disability certificate was issued by a competent medical board. In view of the same, the Tribunal has rightly assessed the disability of the petitioner as 10% and the same needs no interference.

11. Now, with regard to the quantum of compensation, though the appellant/claimant claimed that he was earning Rs.8,000/- per month by working as an Executive in Maruthi showroom, he did not rely on any document to prove the same, as such, the Tribunal considered the monthly income of the appellant/petitioner as Rs.6,000/-. Considering the functional disability of the appellant/petitioner as 10%, the Tribunal computed the monthly loss of income of the appellant/petitioner as Rs.600/- [Rs.6,000/- X 10%]. Further, the Tribunal added 40% towards future prospects and thus, the monthly loss of income becomes Rs.840/- [Rs.600/- + Rs.240/- (40% of Rs.600/-)]. Accordingly, the annual loss of income of the appellant/petitioner becomes Rs.10,080/- [Rs.840/- X 12]. As the appellant was aged 33 years as on the date of accident, as is evident from Exs.A2 and A3, the relevant multiplier as per ***SarlaVerma and Ors. Vs. Delhi Transport Corporation and another***[1] is '16'. If the same is applied, the compensation under the head of loss of earnings for the disability is Rs.1,61,280/- [Rs.10,080/- X '16']. Considering the submission of the appellant/petitioner that he incurred Rs.10,000/- for his treatment, in the absence of any documentary proof to that extent, the Tribunal has properly awarded Rs.5,000/- towards medical expenses and

[1]AIR 2009 SCC3104

this Court finds no ground to enhance the same. In total, the Tribunal has awarded Rs.1,66,280/- to the appellant/petitioner.

12. The Tribunal has rightly awarded the said amount of compensation after considering all the relevant facts, circumstances, and material available on record. The petitioner has failed to produce any proper or cogent documents to establish that he suffered functional disability to the extent of 20%. Further, the petitioner has also failed to produce sufficient documents in support of the medical expenses allegedly incurred by him. In the absence of such evidence, the petitioner cannot contend that the compensation awarded by the Tribunal is inadequate or requires enhancement. Hence, this appeal is liable to be dismissed.

13. Accordingly, this Motor Accident Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE V. SUJATHA

Date:13.08.2026.

Gss