

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD**  
**FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**M.A.C.M.A.No.1901 of 2005**

Between:

The Andhra Pradesh State Road Transport Corporation,  
Rep.by its General Manager.

....Appellant

and

Veerapaneni Srinivasarao

....Respondent

JUDGMENT PRONOUNCED ON : 01.12.2015

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :**

1. Whether Reporters of Local newspapers : Yes  
may be allowed to see the Judgments?

2. Whether the copies of judgment may be : No  
Marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to : No

see the fair copy of the Judgment?

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

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**M.A.C.M.A.No.1901 of 2005**

**JUDGMENT:**

This appeal is preferred by the respondent in M.V.O.P.No.345 of 2000 on the file of the Motor Vehicle Accident Claims Tribunal, Vijayawada.

The said petition was filed by the injured claiming compensation of Rs.3,00,000/- for the injuries sustained by him in a motor accident that occurred on 11.09.1997. On that day, at about 11.30 hours when the claimant was going as a pillion rider on a scooter bearing No.ATG 9412 belonging to one Gullapalli Venkateswara Rao, who was driving the scooter, from Vijayawada to Gollapudi on NH9 road, Vijayawada, and when the scooter reached near Bhavanupuram agency, the driver of the APSRTC bus route No.14 bearing No.AP 9Z 657 came in the opposite direction and hit the scooterist with its bumper, as a result of which the owner of the scooter, who was driving the scooter, died on the spot and the claimant received grievous injuries including head injury.

The Tribunal framed the following issues:

“1. Whether the petitioner sustained injuries in a motor vehicle accident on 11.09.1997 due to the rash and negligent driving of APSRTC route bus no.(Route no.14) AP 9Z 657 driven by its driver?

2. Whether the petitioner is entitled to the compensation as prayed for? If so, from whom?

3. To what relief?”

The claimant was examined as P.W.1 and one Dr.U.Venkata Ramana as P.W.2. The driver of the bus was examined as R.W.1. A passenger traveling in the bus was examined as R.W.2. Exs.A1 to A9 were marked on behalf of the claimant and no documents were marked on behalf of the appellant herein.

With regard to the first issue, the Tribunal, on the basis of evidence, held that the accident occurred due to rash and negligent driving of the driver of the bus bearing No.AP 9Z 657.

The Tribunal noticed that, as per Ex.A2 – wound certificate, the claimant sustained grievous as well as simple injuries in the accident. The claimant took treatment in Nagarjuna Hospital, Vijayawada, and had undergone three surgeries. The Doctor, who performed surgeries, was examined as P.W.2 and he stated that the claimant was admitted in their hospital on 11.09.1997 and discharged on 04.10.1997. Though he stated that the claimant sustained 10% disability, the same was not accepted by the Tribunal. The Tribunal awarded the following amounts:

1. Extra nourishment - Rs. 2,000.00
2. Pain & suffering - Rs. 64,000.00
3. Medical expenses - Rs.1,22,804.00

Thus, an amount of Rs.1,88,900/- was awarded by award dated 21.09.2004 with interest at 9% per annum from the date of the petition till the date of realization.

This appeal is filed challenging the nature of the accident and contributory negligence stating that the claimant contributed to the accident. It is also stated that the Tribunal found 10% disability without there being any certificate to that effect.

In fact, the Tribunal did not accept the disability claimed by the claimant. The

claimant is, admittedly, the pillion rider. The Tribunal, on the basis of evidence, came to the conclusion that the accident was caused due to the driving of the bus by its driver. The said finding of fact cannot be varied by this Court sitting in an appeal. The quantum of compensation awarded is also just, and the appeal is liable to be dismissed.

The appeal is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

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**(A.RAMALINGESWARA RAO, J)**

01.12.2015

vs

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