APHC010014752008

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3396]**
(Special Original Jurisdiction)

WEDNESDAY, THE 25th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 4933/2008

Between:

Katam Reddy Manikyala Rao **...APPELLANT**

AND

Korada Suryarao Anr and Others **...RESPONDENT(S)**

Counsel for the Appellant:

1. N SIVA REDDY

Counsel for the Respondent(S):

1. K SRINIVASA PRASAD SC For APSRTC

The Court made the following:

JUDGMENT:

1. The instant appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short "M.V.Act") by the Appellant - Claimant against the Award and Decree dated 01.09.2006 passed by the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Kakinada (for short "the Tribunal"), in M.V.O.P.No.429 of 2003 granting compensation of Rs.1,57,500/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of deposit.

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

3. The case of the Petitioner / Claimant, in brief, is as follows:

(i) On 19.04.2003 while the Petitioner was returning home from Peddapuram, at 6.00 p.m., when he reached Peddapuram Pandavulametta, an RTC bus bearing No.AP 10 Z 1023 (hereinafter referred to as “the offending vehicle”) being driven in a rash and negligent manner by its driver, dashed the Petitioner. As a result, the Petitioner sustained injuries on his head and all over his body.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.3,00,000/- in view of the injuries sustained by him in the said accident.

(iii) On appreciation of the evidence on record, the learned Tribunal awarded compensation of Rs.1,57,500/- to the Petitioner.

(iv) Having dissatisfied with the quantum of compensation, the Petitioner preferred the present appeal seeking enhancement of the compensation.

4. Heard Sri N.Siva Reddy, learned counsel for the Appellant / Petitioner and Sri K.Srinivasa Prasad, learned standing counsel for Respondent No.2 - APSRTC.

5. Considered the submissions, perused the contentions raised before the Tribunal and assessed the entire evidence including the exhibited documents available on record.

6. The point that arises for determination is:

Whether the Claimant is entitled to enhancement of compensation, and if so, to what amount?

POINT:

7. There is no dispute with regard to the factum of the accident that had taken place on 19.04.2003, due to the rash and negligent driving of the driver of the offending vehicle, and sustenance of injuries by the Petitioner in the said accident.

8. On a careful consideration of the evidence adduced before the Tribunal, particularly the testimony of P.W.2, the Doctor who treated the injured, and Ex.A.2 – Wound Certificate, Ex.A.3 – Disability Certificate and the other medical records, it is evident that the injured sustained a grievous head injury in the accident. Though Ex.A.2 discloses only one external injury, namely, a lacerated injury measuring 5 x 1 cm, bone deep, over the right side of the forehead, the CT scan revealed diffuse axonal injury to the brain. P.W.2 categorically deposed that, on account of the said injury, the injured suffered damage to his nervous system and was unable to speak or walk independently. He further stated that even on the date of his examination before the Tribunal, the injured continued to remain in the same condition and that there was no possibility of recovery in future. The physical condition of the injured was also personally observed by the Tribunal, which recorded that he was brought to the Court by his relatives on their hands. Though, in the cross-examination, P.W.2 admitted that physiotherapy might provide some possibility of restoration of the functioning of the lower limbs, no definite possibility of recovery was established. Ex.A.3 shows the disability at 60%. However, having regard to the medical evidence, the nature of the injury and the

functional limitations suffered by the injured, the Tribunal's assessment of disability at 50% appears reasonable and is accordingly accepted. It is also significant that the disability has substantially affected the ability of the injured to attend to his daily personal needs independently and to earn his livelihood.

9. So far as the income of the injured is concerned, the claimant asserted that he was aged 40 years at the time of the accident, was attending coolie work and earning Rs.3,000/- per month. Though the Tribunal assessed his monthly income at Rs.1,500/-, considering the nature of his occupation, the year of the accident, i.e., 2003, and the overall circumstances, this Court is inclined to take his monthly income at Rs.3,000/-.

10. As per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi***[1]**,** after adding 25% towards future prospects, the monthly income works out to Rs.3,750/-. The annual income would therefore be Rs.45,000/-. Applying 50% disability, the annual loss of earning capacity comes to Rs.22,500/-. Considering the age of the Petitioner as 40 years, the relevant multiplier applicable as per the judgment of the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation***[2], is '15'. Applying the same, the loss of future earning capacity is assessed at Rs.3,37,500/- (Rs.22,500 x 15).

11. The learned Tribunal awarded an amount of Rs.25,000/- towards pain and suffering and Rs.20,000/- towards loss of earnings and attendant expenses. This Court is not inclined to disturb such finding. However, no

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[1] (2017) 16 SCC 680
[2] (2009) 6 SCC 121

amount was awarded towards special diet and transportation expenses. Hence, an amount of Rs.10,000/- is awarded under the said head. Further, considering that the injured has been rendered incapable of speaking and walking independently and requires the assistance of others even for attending to his personal needs, an amount of Rs.50,000/- each is awarded towards loss of amenities of life, loss of memory and loss of expectation of life. The Appellant / Claimant is, thus, entitled to compensation under the following heads:

Head of compensation	**Award of the Tribunal in Rs.**	**Compensation awarded by this Court Rs.**
Pain and Suffering	25,000/-	25,000/-
Loss of future earnings	1,12,500/-	3,37,500/-
Loss of earnings and attendant charges	20,000/-	20,000/-
Special Diet and Transport expenses	---	10,000/-
Loss of amenities	---	50,000/-
Loss of Expectation of Life	---	50,000/-
Loss of memory	---	50,000/-
Total	**1,57,500/-**	**5,42,500/-**

12. Therefore, in view of the foregoing discussion, this court is of the opinion that the award passed by the Tribunal warrants interference by enhancing the compensation from Rs.1,57,500/- to Rs.5,42,500/-.

13. Accordingly, the MACMA is allowed with costs enhancing the compensation from Rs.1,57,500/- to Rs.5,42,500/-. The enhanced

compensation shall carry interest at the rate of 7.5% per annum from the date of petition till the date of deposit.

(ii) Respondent No.2 – APSRTC shall deposit the enhanced compensation amount together with accrued interest within a period of eight (08) weeks from the date of receipt of a copy of this judgment.

(iii) Upon such deposit, the claimant is entitled to withdraw the entire compensation amount along with accrued interest and costs.

(iv) The Tribunal shall take necessary steps for disbursement of the amount in accordance with law, adjusting the amount, if any, already paid.

(v) The Appellant / Claimant is directed to pay the deficit Court fee before the Tribunal forthwith.

Miscellaneous petitions pending if any, stand closed.

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Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:25.11.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.4933 of 2008

DATE: 25.11.2026

Dinesh