APHC010046702010

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

THURSDAY, THE 19th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No: 1588/2010

Between:

NARASALA VENKAIAH, S/O.GANDAIAH R/O.D.C.PALLI VILLAGE, MARRIPADU MANDAL, SPSR NELLORE DISTRICT.

...APPELLANT

AND

THE AP STATE ROAD TRANSPORT CORPORATION, REP BY ITS MANAGING DIRECTOR O/O.MUSHEERABAD, HYDERABAD.

...RESPONDENT

Counsel for the Appellant:

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent:

1. P.VENKATA RAO 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 Order and Decree dated 07.07.2010 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Nellore (for short “the Tribunal”), in O.P.No.74 of 2007 granting compensation of Rs.2,70,000/- with proportionate costs and interest @ 9% per annum from the date of petition till the date of deposit or realization.

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 24.12.2005 while the Petitioner was travelling in a RTC bus bearing No.AP 11 Z 4726 (hereinafter referred to as "the offending vehicle"), at about 10.30 p.m., when the said bus was proceeding near Boyella Chiruvella Village on Mumbai State Highways, Atmakur Mandal, the driver of the bus drove the same in a rash and negligent manner and dashed against a stationed lorry. As a result, the Petitioner sustained fracture on his left tibia apart from other injuries.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.10,00,000/- 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.2,70,000/- 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 Sivaprasad Reddy Venati, learned counsel for the Appellant / Petitioner and Sri P.Venkata Rao, learned standing counsel for Respondent - 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 24.12.2005, due to the rash and negligent driving of the driver of the offending vehicle, wherein the Petitioner sustained grievous injury i.e., fracture to right lower limb. He had taken treatment in Vijaya Health Centre, Chennai.

8. The Claimant got examined P.W.2, who was the Orthopaedic Surgeon in Vijaya Health Centre, Chennai. P.W.2 testified that the Claimant had undergone posterior tibia bypass graft left done along with external fixation on 25.12.2005. He further deposed that the Claimant was discharged on 03.01.2006. Again the Claimant was admitted on 10.04.2006 for iliozorow ring fixation which was done on 11.04.2006 and was discharged on 19.04.2006. Again the Claimant was admitted on 11.07.2006 for removal of the ring which was done on 12.07.2006 and was discharged on 18.07.2006. Thereafter the Claimant was admitted on 07.11.2006 for P.T.B cost removal and mobilized with removable cost and was discharged on 10.11.2006. Even after the discharge from the hospital, the Claimant visited the hospital for follow up treatment as Out-patient. P.W.2 certified the medical bills placed on record. P.W.2 further stated that the injured was admitted in the hospital for four times in one year for his treatment. The Claimant was escorted by the attendant for

every time. He had disfigurement due to faciotory scar and the Disfigurement of skin is permanent due to faciotous and external fixation scar. Ex.A.43 is the Disability Certificate issued by P.W.2. There is shortening of leg. The Claimant is walking with limp, unable to move toes and ankle and also difficult to him to sit on cross legs. The Doctor further certified the entire medical record of their hospital apart from final bill. Nothing has been elicited in the cross examination of P.W.2.

9. The learned Tribunal without assessing the disability, by applying the multiplier, awarded Rs.25,000/- under the head of permanent disability. In the light of the evidence of P.W.2, though the disability certificate was not issued by the Medical Board, P.W.2 in categorical terms deposed that there is shortening of leg and the person is walking with a limp, unable to move toes and ankle and also difficult to him to sit on cross legs, in the light of the age and avocation of the Claimant, the functional disability can be considered as 15%. In the absence of any proof of income, taking into consideration the age of the Claimant i.e., 50 years and the date of the accident, this Court is of the view that, it is apposite to take the income of the Claimant at Rs.4,000/- per month. 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.5,000/-. The annual income would therefore be Rs.60,000/-. Applying 15% disability, the annual loss of earning capacity comes to Rs.9,000/-. Considering the age of the

[1] (2017) 16 SCC 680

Petitioner as 50 years, the relevant multiplier applicable as per the judgment of the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation***[2], is '13'. Applying the same, the loss of future earning capacity is assessed at Rs.1,17,000/- (Rs.9,000 x 13).

10. The learned Tribunal awarded an amount of Rs.10,000/- for the grievous injuries. In the light of the gravity of the injuries, the period of treatment underwent and the nature of treatment, which went to the extent of amputation of leg at the age of 35 years, this Court is of the view that the Petitioner is entitled to Rs.50,000/- under the head of pain and suffering.

11. Further, the learned Tribunal awarded an amount of Rs.3,578/- towards transport charges. As can be seen from the evidence on record, the Claimant went to hospital for several times for treatment as In-patient and also Out-patient. Considering the same, this Court awarded an amount of Rs.5,000/- towards transport expenses. The Tribunal awarded Rs.5,000/- towards loss of earnings during the period of treatment. Considering the income of the Claimant as Rs.4,000/- per month and in view of the gravity of the injuries and the treatment underwent, he might not be in a position to attend his ordinary pursuits for at least ten months. Therefore, this Court is inclined to award an amount of Rs.40,000/- (Rs.4,000/- x 10) under this head. The Tribunal awarded Rs.40,000/- towards pain and suffering and Rs.1,96,422/- towards medical expenses. This Court is not inclined to disturb such finding. Nothing has been awarded under the heads of loss of amenities of life, loss of

[2] (2009) 6 SCC 121

expectation of life, and disfiguration. Considering the gravity of the injury, treatment underwent by the Claimant, and his age, this Court is inclined to award Rs.10,000/- each under these three heads. 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.**
Loss of future earning capacity due to the disability	25,000/-	1,17,000/-
Pain and Suffering	40,000/-	40,000/-
Transportation Charges	3,578/-	5,000/-
Loss of earnings during the period of treatment	5,000/-	40,000/-
Medical Expenses	1,96,422/-	1,96,422/-
Loss of Expectation of Life	---	10,000/-
Loss of amenities	---	10,000/-
Disfiguration	---	10,000/-
Total	**2,70,000/-**	**4,28,422/-**

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.2,70,000/- to Rs.4,28,422/-.

13. Accordingly, the MACMA is partly allowed with proportionate costs enhancing the compensation from Rs.2,70,000/- to Rs.4,28,422/-. The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realization.

(ii) Respondent – 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.

Miscellaneous petitions pending if any, stand closed.

_____

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:19.11.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.1588 of 2010

DATE: 19.11.2026

Dinesh