APHC010086332019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3505]**
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 194/2019

Between:

1. KOLAVENNU RAVINDRA, 2ND LINE, SANGADIGUNTA, GUNTUR CITY, GUNTUR DISTRICT,GUNTUR JCJ

...APPELLANT

AND

1. SILAM BALANKAIAH, (OWNER OF THE AUTO AP 7 TA 2105) D.NO.3-148, RENTACHINTALA VILLAGE MANDAL GUNTUR DISTRICT, GURAZALA JCJ
2. SHRIRAM GENERAL INSURANCE CO LTD, REP. BY ITS MANAGER E/8, ERIP RIICO INDUSTRIAL AREA SITAPURA, JAIPUR,RAJASTAN STATE, JAIPUR DMC BANCH OFFICE D.NO.6-4-105, UPSTAIRS OF SBI(2ND FLOOR) MAIN ROAD,4/3, ARANDELPET, GUNTUR CITY, GUNTUR DISTRICT
3. KUNCHALA SURESH, CHINTACHETTU CENTRE, TADIKONDA, TADIKONDA MANDAL, GUNTUR DISTRICT

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to set aside the judgement and decree passed in MVOP 707 OF 2014on the file of the motor accidents claims tribunal-I Addl district judge, Guntur dated 9-5-2016 and enhance the compensation to 4,00,000 as claimed together with interest at the rate of 12 per annum from the other order as the original petition till the date.

IA NO: 1 OF 2019

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 907 days in filing this MACMA the Appeal against the order and Decree dated 09-05-2016 passed in MVOP NO.707 of 2014on the file of the Court of the motor vehicle accidents claims tribunal-cum-I Addl district judge

Counsel for the Appellant:

1. SIVA PRASAD KATAKAMSETTY

Counsel for the Respondent(S):

1. GUDI SRINIVASU
2.

The Court made the following:

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

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JUDGMENT:

1. The claimant in M.V.O.P.No.707 of 2014, on the file of the learned Motor Accidents Claims Tribunal-cum-I Additional District Judge, Guntur, preferred the present appeal aggrieved by the quantum of compensation awarded.

2. For the sake of convenience, the parties are referred to as they were referred in the claim petition.

3. The petitioner preferred M.V.O.P.No.707 of 2014 under Section 166 of Motor Vehicles Act and the Rules made thereunder seeking to pay compensation of Rs.4,00,000/- on account of the injuries sustained by him in the accident that occurred on 24.08.2013 near Tadikonda Cross Road.

4. It is the case of the petitioner that the 1st respondent is the owner of Auto bearing registration No.AP 7 TA 2105. The 3rd respondent is the driver of the auto. The offending auto was insured with the 2nd respondent insurance company. On 24.08.2013 while the petitioner along others was travelling in the offending auto from Guntur to Neerukonda, the 3rd respondent drove the auto in a rash and negligent manner, as a result of which the petitioner fell down from the auto in as much as the 3rd respondent permitted more number of passengers than the required seating capacity. Immediately, the petitioner was taken to GGH, Guntur, where it was diagnosed that the petitioner sustained fracture of both bones of right leg and fracture of left leg

apart from other injuries. A case in Crime No.151 of 2013 was registered against the 3rd respondent under Section 338 of IPC on the file of Tadkonda Police Station. It was further case of the petitioner that he was a mutta coolie and used to earn Rs.300/- per day in fruit market. In view of the injuries sustained by him, he approached the Tribunal seeking compensation of Rs.4,00,000/-.

5. Respondent Nos.1 and 3 remained *ex parte.*

6. The 2nd respondent contested the claim and after enquiry, the Tribunal by order under challenge partly allowed the claim petition by awarding compensation of Rs.82,000/- together with interest @ 7.5% from the date of filing till the date of deposit by fastening the liability on respondent Nos.1 to 3. Aggrieved by the said order, the claimant filed the present appeal.

7. Heard Sri Katakamsetty Siva Prasad, learned counsel for the appellant and Sri Gudi Srinivasu, learned Standing Counsel for respondent No.2.

8. As the respondent Nos.1 and 3 remained ex parte before the Tribunal, the appeal is taken up for hearing.

9. Perused the material available on record.

10. Learned counsel for the appellant would strenuously contend that Tribunal while awarding Rs.82,000/- towards compensation did not appreciate the case of the appellant in its proper prospective. He would further submit

that it is not in dispute that both legs of the petitioner got fractured and he underwent surgery. He would also submit that in support of his contention, Dr.G.Vara Prasad, who treated the petitioner was examined as P.W.2. Further he would submit that despite observing the evidence of P.W.2, for the reasons best known to the Tribunal awarded a meager amount of Rs.82,000/- towards compensation and the same deserves to be enhanced.

11. On the other hand, Sri G.Srinivasu, learned counsel appearing for the 2nd respondent would submit that though P.W.2 deposed that the disability sustained by the petitioner was assessed at 30%, in support of his evidence, no certificate of disability was produced before the Tribunal. In the absence of any such certificate, there is no illegality in the order under appeal and prayed to dismiss the appeal.

12. This Court has taken a note of the respective submissions of the counsel on either side. It is not in dispute that the petitioner sustained grievous injuries in the accident and it is also not in dispute that both the legs of the petitioner got fractured, for which he underwent surgeries in which implants were inserted. A perusal of the order of the Tribunal would reveal that having observed that the petitioner had to undergo surgeries in future, the Tribunal had awarded only Rs.30,000/- towards the same. While awarding the compensation, the Tribunal did not take into consideration of the fact that the difficulty faced by the petitioner in lifting the weights/goods as the petitioner was mutta coolie by avocation. Further a perusal of the evidence of P.W.2 would go to show that the petitioner is suffering with stiffness of the

ankle joints. Having observed so, the Tribunal did not appreciate the case of the claimant in right perspective. As already noted supra, the petitioner/claimant is a mutta coolie and if any stiffening in the ankle joint would certainly have impact on his day to day activities especially while lifting the weights/goods.

13. By taking note of the age of the petitioner, this Court is of the considered opinion that an amount of Rs.1,00,000/- can be awarded towards discomfort faced by the claimant as he is suffering with stiffness of the ankle joints. Accordingly, the appeal is partly allowed and the 2nd respondent is directed to pay an amount of Rs.1,82,000/- (Rupees one lakh eighty two thousand only) together with interest @ 7.5% from the date of petition till the date of deposit. Further, the 2nd respondent is directed to pay the enhanced compensation within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.

JUSTICE T.C.D. SEKHAR

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