APHC010105022008

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: 3710/2008

Between:
V.M. Saravanan **...APPELLANT**

AND

T Chalapathi Rao and Others **...RESPONDENT(S)**

Counsel for the Appellant:

1. M VENKATA RAMANA REDDY

Counsel for the Respondent(S):

1. V VEERABHADRA CHARY

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 11.01.2007 passed by the Chairman, Motor Accidents Claims Tribunal-cum-VI Additional District Judge(FTC), Tirupati(for short “the Tribunal”), in M.V.O.P.No.200 of 2003 granting compensation of Rs.64,000/- with proportionate costs and interest @ 7% 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 29.05.1999 at about 3.00 p.m., while the Petitioner and his friends were going on TVS moped bearing No.AP 03 / 7708 on the left side of the road on Puttur – Renigunta main road, the driver of a lorry bearing No.AEH 5040 (hereinafter referred to as "the crime lorry") drove the same in a rash and negligent manner at a high speed and dashed against their moped. As a result, the Petitioner fell down on the road and sustained fracture to his right leg, right collarbone, right hand and his 2nd, 3rd, 4th and 5th fingers and other bleeding injuries all over his body.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.2,50,000/- 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.64,000/- 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 M.Venkata Ramana Reddy, learned counsel for the Appellant / Petitioner and Sri V.Veerabhadra Chary, learned standing counsel for Respondent No.2 - Insurer.

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 29.05.1999, 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. As can be seen from Ex.A.3 – Wound Certificate the Petitioner sustained five injuries out of which three are grievous and two are simple injuries. The Petitioner as P.W.1 categorically deposed about the injuries sustained by him and also the disability and the treatment underwent. He also got examined the Doctor who treated him as P.W.2. He testified that the Petitioner is suffering from disability because of the shortening of right leg by 2 cm due to malunited fracture of right tibia. He further deposed that the right knee movement is restricted by 20 degrees with westing of right thigh and leg muscles due to which the Petitioner sustained 20% disability.

9. The evidence of P.W.2 coupled with Ex.A.9 – Disability Certificate would show that the injured is suffering from permanent disability due to which, he is unable to squat, sit cross legged and cannot stand and walk for a long time and he cannot perform hard work.

10. The Petitioner is a Welder by profession. The learned Tribunal awarded an amount of Rs.10,000/- under the head of loss of future earnings due to disability without assessing the compensation by applying the multiplier. Taking into consideration the age of the Petitioner as 28 years and the date of the accident, this Court is of the considered view that Rs.3,500/- per month can be taken as the income of the Petitioner.

11. As per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi***[1]**,** after adding 40% towards future prospects, the monthly income works out to Rs.4,900/- (Rs.3,500 + Rs.1,400). The annual income would therefore be Rs.58,800/-. Applying 20% disability, the annual loss of earning capacity comes to Rs.11,760/-. Considering the age of the Petitioner as 28 years, the relevant multiplier applicable as per the judgment of the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation***[2], is '17'. Applying the same, the loss of future earning capacity is assessed at Rs.1,99,920/- (Rs.11,760 x 17).

12. The learned Tribunal awarded an amount of Rs.5,000/- towards pain and suffering. However, in view of the gravity of the injuries sustained by the Petitioner and the treatment he underwent, this Court is inclined to award Rs.20,000/- each to three grievous injuries and Rs.5,000/- each to two simple injuries i.e., in total Rs.70,000/- under the head of pain and suffering.

13. The learned Tribunal awarded an amount of Rs.7,000/- towards loss of earnings during the period of treatment. Considering the nature of the injuries, avocation of the Petitioner as a welder and the treatment he underwent, this Court is of the view that he might not be in a position to attend his ordinary pursuits at least for a period of six months. Therefore, an amount of Rs.21,000/- (Rs.3,500 x 6) is awarded under this head.

14. The learned Tribunal awarded an amount of Rs.25,000/- towards medical expenses and the extra nourishment and Rs.2,000/- towards

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

transport expenses. This Court is not inclined to disturb such finding. Nothing has been awarded under the head of attendant charges. In the light of the gravity of the injuries and the treatment underwent by the Petitioner, he might have incurred expenditure to engage a person as an attendant. Considering the same, an amount of Rs.10,000/- is awarded under the head of attendant charges. Further, the Tribunal awarded Rs.15,000/- towards future treatment. This Court is not inclined to disturb such finding, because he requires surgery for removal of plats and screws.

15. Nothing has been awarded under the heads of loss of expectation of life and loss of amenities. Therefore, an amount of Rs.20,000 each is awarded these two 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 earning capacity due to disability	10,000/-	1,99,920/-
Pain and Suffering	5,000/-	70,000/-
Extra nourishment and medical bills	25,000/-	25,000/-
Transport charges	2,000/-	2,000/-
Loss of earnings for the period of treatment	7,000/-	21,000/-
Future Medical Expenses	15,000/-	15,000/-
Loss of amenities	---	20,000/-
Loss of Expectation of Life	---	20,000/-
Total	**64,000/-**	**3,72,920/-**

16. 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.64,000/- to Rs.3,72,920/-.

17. As there is no dispute over the liability of the insurer to pay the compensation, since Ex.B.1 was in force as on the date of the accident, as rightly held by the learned Tribunal, Respondent Nos.1 and 2 are jointly and severally liable to pay the compensation.

18. Accordingly, the MACMA is allowed with costs enhancing the compensation from Rs.64,000/- to Rs.3,72,920/-. 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 – Insurer 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.3710 of 2008

DATE: 25.11.2026

Dinesh