APHC010122472019

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

THURSDAY, THE 5th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 557/2019

Between:

1. SHAIK CHAN BASHA, OCC.PREVIOUSLY CULTIVATION R/O. GULLACHERUVU VILLAGE GALIVEEDU MANDAL Y.S.R. DISTRICT

...APPELLANT

AND

1. MUNICIPAL CORPORATION, KADAPA, REP., BY ITS COMMISSIONER OWNER OF TRACTOR AND TRAILER BEARING NO. AP-04-Y-2210 AND 2209,
2. NATIONAL INSURANCE COMPANY LIMITED, REP. BY ITS BRANCH MANAGER NEAR APSRTC BUS STAND RAILWAY STATION ROAD KADAPA CITY Y.S.R. DISTRICT
3. KANCHUPALLI VIJAY KUMAR, OCC. DRIVER OF FTRACTOR AND TRAILER BEARING NO. AP-04--Y-2210 AND 2209 R/O. DOOR O. 16/1010 MASAPET KADAPA CITY Y.S.R.DISTRICT

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High CourtMemorandum of Ground of Motor accidents civil miscellaneous Appeal aggrieved by tyhe order dated 25-06-2018 made in M.V.O.P.No. 171of 2017 on the file of the court of the motor accidents Claims Tribunal-cum-judge-Family Court Cum-VI Additional District Judge Kadapa Y.S.R. District for the following and among other

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 Pleased to condone the delay of 191 days in presenting the appeal and pass

Counsel for the Appellant:

1. V R REDDY KOVVURI

Counsel for the Respondent(S):

1. KALAVA SURESH KUMAR REDDY (SC FOR MC RAYAL REGION, NELLORE)
2. MANIMMA MEDIDA

The Court made the following JUDGMENT:

Feeling aggrieved by the quantum of compensation awarded by the Tribunal through its order dated 25.06.2018 in M.V.O.P.No.171 of 2017 on the file of the Motor Accidents Claims Tribunal-Cum-Judge, Family Court-Cum-VI Additional District Judge, Kadapa, the present appeal is preferred by the claimant.

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

3. It was the case of the petitioner that on 26.12.2016, while he was travelling on a motor cycle as pillion rider, the tractor and trailer bearing registration No. AP04 Y 2210 and 2206 came in rash and negligent manner and dashed against the motor cycle. As a result, the claimant sustained bleeding injury over the left hip and he was immediately shifted to RIMS Hospital, Kadapa, for treatment. A case in crime No.271 of 2016 was registered against the driver of the offending tractor. In view of the injuries sustained by the petitioner he approached the Tribunal by filing the above petition seeking compensation of Rs.4,00,000/-.

4. Respondent Nos.1 and 3 remained ex-parte. Respondent No.2-Insurance Company resisted the claim by filing counter-affidavit.

5. It was contended by respondent No.2 that burden lies on the petitioner to prove that he has suffered injuries as mentioned in the claim

petition. *Inter-alia,* it was also contended that there was no permanent disability and the injuries sustained by him were simple in nature. It was also contended that the rate of interest claimed by the petitioner was excessive and contended that, he was entitled to receive interest @ 6% per annum, if at all the Tribunal comes to a conclusion that the claimant was entitled to any compensation.

6. In order to prove the case of the claimant, the claimant himself was examined as P.W.1 and Dr. J. Nagesh was examined as P.W.2. The claimant also marked documents in Exs.A1 to A6. On the other hand, respondent No.2 neither adduced any oral evidence nor filed documentary evidence. Considering the oral and documentary evidence put forth by the claimant, the Tribunal by order under challenge awarded the compensation of Rs.81,200/- together with interest @ 9% p.a., from the date of filing the petition till the date of realization. Aggrieved by the same, the present appeal is preferred.

7. Heard Sri Shaik Ameenuddin, learned counsel representing Sri V. R. Reddy Kovvuri, learned counsel for the appellant and Smt. Manemma Medida, learned counsel appearing for respondent No.2.

8. Perused the material available on record.

9. Learned counsel for the appellant would strenuously contend that the Tribunal, without appreciating the case of the petitioner/claimant in

its proper perspective, had awarded an amount of Rs.81,200/- which is not in accordance with law. He would further submit that despite oral and documentary evidence placed by the claimant, the Tribunal had not considered the same while awarding compensation. He would further submit that the Tribunal by categorically recording the finding that the petitioner is facing difficulty while sitting and squatting and also while climbing the stairs, not awarded just compensation. The said finding given by the Tribunal is based on the evidence adduced by P.W.2.

10. On the other hand, the learned counsel for the respondent-Insurance Company would submit that the Tribunal having appreciated the case of the petitioner had awarded just compensation and there is no illegality or infirmity in the order under challenge. He would further submit that the disability certificate marked in Ex.A5 was issued by P.W.2 who did not give treatment to the petitioner. He would further submit that the disability certificate was issued after a period of nine (09) months from the date of accident and therefore, reliance cannot be place on the same and prayed to dismiss the present appeal.

11. It is not in dispute that the petitioner sustained injuries. A perusal of the record would go to show that though P.W.2 deposed that the petitioner sustained 30% disability, the same was disbelieved by the Tribunal and having observed that the petitioner is facing difficulty while sitting, squatting and climbing stairs, had come to the conclusion that the

disability was 10%. Having observed so, the Tribunal did not award any compensation for the difficulties faced by the petitioner. By taking into consideration the age of the petitioner, the discomfort and difficulty faced by him in attending day to day activities, this Court is of the considered opinion that an amount of Rs.50,000/- can be awarded.

12. Accordingly, the compensation is enhanced from Rs.81,200/- to Rs.1,31,200/-. It is further directed that respondent No.2 shall deposit the enhanced amount of Rs.1,31,200/- together with interest @ 9% per annum within a period of two (02) months from the date of receipt of copy of this order.

13. Accordingly, the Motor Accident Civil Miscellaneous Appeal is partly allowed. It is needless to mention that any amount deposited by the Insurance Company may be deducted while depositing the enhanced compensation. No order as to costs.

As a sequel, miscellaneous pending applications, if any, shall stand closed.

JUSTICE T.C.D.SEKHAR

Dated: 05.11.2026
SKB/KAS

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THE HON'BLE SRI JUSTICE T.C.D.SEKHAR

M.A.C.M.A.No.557 OF 2019

Date: 05.04.2026

KAS/SKB