APHC010219432019

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: 700/2019

Between:

1. APSRTC, VICE CHAIRMAN AND MANAGING DIRECTOR APSRTC BUS STATION COMPLEX KAKINADA (RURAL), EAST GODAVARI DISTRICT (MD OF APSRTC BUS BEARING NO. AP-05-Z-0413)

...APPELLANT

AND

1. PENTAKOTA VARA, W/O LATE MAHALAKSHMI NAIDU AGED 45 YEARS, HOUSE WIFE, RESIDENT OF VILLURI AKKAYYAGARI VEEDHI, GAVARAPALEM, ANAKAPALLE VISAKHAPATNAM DISTRICT
2. PENTAKOTA SAGAR, S/O LATE MAHALAKSHMI NAIDU AGED 24 YEARS, RESIDENT OF VILLURI AKKAYYAGARI VEEDHI, GAVARAPALEM, ANAKAPALLE VISAKHAPATNAM DISTRICT
3. PENTAKOTA RAMUDU, S/O LATE MAHALAKSHMI NAIDU AGED 22 YEARS, RESIDENT OF VILLURI AKKAYYAGARI VEEDHI, GAVARAPALEM, ANAKAPALLE VISAKHAPATNAM DISTRICT
4. PENTAKOTA LAKSHMI, D/O LATE MAHALAKSHMI NAIDU AGED 22 YEARS, RESIDENT OF VILLURI AKKAYYAGARI VEEDHI, GAVARAPALEM, ANAKAPALLE VISAKHAPATNAM DISTRICT
5. GODI JOSEPH, S/O KRUPA RAO AGED ABOUT 45 YEARS, DRIVER OF APSRTC DRIVER OF BUS BEARING NO. AP-05-Z-0413 RESIDENT OF D.NO. 4-181, OPP. FCI GODOWN HOSANNA MANDIR

STREET, DHAVALESWARAM RAJAHMUNDRY, EAST GODAVARI DISTRICT

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to allow the appeal by setting aside the Judgment and Decree passed by the Motor Accidents Claims Tribunal cum-X Additional District Judge, Anakapalle passed in M.V.O.P No. 1205 of 2016 dated 23.04.2019 and pass

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 grant stay of execution of Decree passed by the Motor Accidents Claims Tribunal-cum-X Additional District Jude Anakapalle passed in M.V.O.P No. 1205 of 2016 dated 23.04.2019 pending disposal of the above M.A.C.M.A No. /2019 and pass

Counsel for the Appellant:

1. K SRINIVASA PRASAD SC For APSRTC

Counsel for the Respondent(S):

1. BOLLA VENKATA RAMA RAO

The Court made the following Judgment:

The present appeal is filed aggrieved by the order dated 23.04.2019 in M.V.O.P.No.1205 of 2016 on the file of Motor Accidents Claims Tribunal-cum-X Additional District Judge, Anakapalli, by APSRTC.

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

3. The claimants/petitioners filed petition under Section 166 of Motor Vehicles Act read with the Rules made there under, claiming compensation of Rs.10,00,000/- on account of death of Sri P. Mahalakshmi Naidu (husband of the 1st petitioner and father of petitioners 2 to 4).

4. It was the case of the petitioners that the deceased was a daily wage worker in a Silver Company and apart from the same, he was also used to do cultivation and earning an amount of Rs.12,000/- per month. On 05.06.2016 while he was returning to home on cycle, when he reached Nookalamma Arch at about 9:30 p.m., the offending bus bearing registration No.AP 05 Z 0143 belonging to the 2nd respondent came in rash and negligent manner and dashed the cycle of the deceased. As a result, the deceased fell down on the road and sustained grievous injuries all over the body. Immediately, he was shifted to NTR Hospital, Anakapalle for treatment, later he was shifted

to KG Hospital, Visakhapatnam, for better treatment. A case in crime No.19 of 2016 under Section 338 of IPC was registered on the file of Anakapalle Traffic Police Station. Later, the same was altered into Section 304-A of IPC. It was the further case of the petitioners that the deceased was aged about 46 years as on the date of accident and he was the only breadwinner in the family and all the petitioners were depending on his earnings. In the circumstances the petitioners filed above petition seeking compensation of Rs.10,00,000/-.

5. Respondent No.1/driver of the offending bus filed counter-affidavit stating that the accident was occurred due to negligence of the deceased inasmuch as the deceased did not follow the traffic rules and without observing the pedestrians, he suddenly hit the bus and fell down on the road. It was further contended that, if at all any compensation was to be paid, the respondent No.2-APSRTC alone is liable.

6. A separate counter-affidavit was filed by respondent No.2 stating that, the crime was registered in order to claim compensation despite the fact that there was no negligence on part of respondent No.1/driver. *Inter-alia,* it was contended that the deceased himself was responsible for the occurrence of the accident, inasmuch as without observing the traffic rules suddenly he hit the bumper on the right side of the bus and fell down on the road. With the above pleadings, respondent No.2 prayed to dismiss the claim petition.

7. In order to prove the case of the petitioners, the wife of the deceased was examined as P.W.1 and one Sri Dadi Syam, eye witness to the accident, was examined as P.W.2. The petitioners marked documents in Exs.P1 to P6. On the other hand, the driver of the bus was examined as R.W.1, however, no documentary evidence was placed. After thread-bare enquiry, the Tribunal by impugned order awarded compensation of Rs.9,50,000/- together with interest @ 6% per annum to be paid by the respondents jointly and severally. Aggrieved by the quantum of compensation awarded by the Tribunal, the present appeal is preferred.

8. Heard Sri K. Srinivas Prasad, learned counsel for the appellant and Sri Kandregula Mahijeet, learned counsel representing Sri Bolla Venkata Rama Rao, learned counsel appearing for the respondents/claimants.

9. Perused the material available on record.

10. The counsel for the appellant would strenuously contend that accident was occurred due to negligence of the deceased himself inasmuch as, without following the traffic rules, he suddenly came on the right side of the bus and hit the bumper and fell down on the road. In the said process, there was no negligence on the part of the respondent No.1/driver of the RTC bus.

11. In order to prove the said contention, the driver of the RTC bus was examined as R.W.1. A perusal of the evidence of R.W.1, it is clear that the same is nothing but reiteration of the averments made in the counter-affidavit. Further, R.W.1 is interested witness and therefore, the evidence of R.W.1 cannot be taken into account.

12. On the other hand, the petitioners have examined one Sri Dadi Syam, eye witness to the accident as P.W.2. A perusal of the evidence of P.W.2, it is clear that the offending bus came in rash and negligent manner without blowing horn and dashed the deceased. Though P.W.2 was cross-examined at length, nothing was elicited to disprove his evidence. In such circumstances it would have to be held that the accident occurred due to the negligence of respondent No.1/driver of the bus.

13. Having perused the order of the Tribunal, this Court does not find any illegality insofar as issue of negligence is concerned and accordingly, the same is answered in favour of the claimants and against the APSRTC.

14. Coming to quantum of compensation awarded by the Tribunal, though the petitioners have claimed that the deceased was earning an amount of Rs.12,000/- per month by placing reliance on the averments made in the claim petition that he was working in Silver Company apart from doing cultivation, a perusal of the record it is clear that except oral

evidence of P.W.1, nothing is placed on record to substantiate that the deceased was cultivating any land.

14. In the circumstances, the Tribunal had taken the income of the deceased as Rs.6,000/- per month and after following the decision rendered by the Hon'ble Apex Court in the case of ***Pranaya Sethi v. National Insurance Corporation Limited***[1]***,*** awarded an amount of Rs.9,47,500/- under various conventional heads together with interest @ 6% per annum.

15. Though it was argued by the learned counsel for the appellant that the compensation awarded by the Tribunal was excessive, this Court does not find any force in the said contention inasmuch as the Tribunal had rightly fixed the income of the deceased as Rs.6,000/-.

16. In the circumstances, this Court does not find illegality or infirmity in the order insofar as fixing the income of the deceased as Rs.6,000/- is concerned. However, during the course of hearing, the counsel for the claimants would submit that in a case of death, this Court is consistently awarding interest @ 9% whereas the Tribunal had fixed interest @ 6%. He would submit that accordingly the interest is to be enhanced from 6% to 9%.

17. Having heard the learned counsel for the claimants, this Court is of the considered opinion that a liberal approach should be adopted

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while dealing with matters arising under beneficial legislation. Apart from the same, as rightly contended by the claimants, this Court is consistently awarding interest @ 9% per annum especially in the matters of this nature. Accordingly, the interest is enhanced from 6% to 9% per annum.

18. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed.

19. However, the appellant is directed to pay the compensation of Rs.9,47,500/- as awarded by the Tribunal together with the enhanced interest @ 9% per annum from the date of petition till the date of realization. The appellant is further directed to deposit the said amount within two (2) months from the date of receipt of a copy of this order. 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

KAS/SKB

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

M.A.C.M.A.No.700 OF 2019

Date: 05.11.2026

KAS/SKB