APHC010269142008

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

TUESDAY, THE 24th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 5231/2008

Between:

SANGANA ANKIREDDY, S/O. NAGIREDDY MAIN ROAD, GANDHI STATUE CENTRE, KORETEPADU,

...APPELLANT

AND

1. APSRTC, REPRESENTED BY ITS M.D., MUSHEERABAD, HYDERABAD. (OWENR OF BUS BEARING NO. AP 10Z-82500
2. THELLAMEKALA HANUMANTHA RAO, S/O. AYYANNA, DRIVER OF APSRTC., BUS NO. AP 10Z - 8250 R/O. PODILI DEPOT, PRAKASAM DISTRICT.

...RESPONDENT(S):

Counsel for the Appellant:

1. SREEKANTH REDDY AMBATI

Counsel for the Respondent(S):

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 - Petitioner against the Judgment and Decree dated 28.03.2007 passed by the Chairman, Motor Accidents Claims Tribunal-cum-III Additional District Judge, Guntur (for short “the Tribunal”), in M.V.O.P.No.945 of 2002 granting compensation of Rs.58,750/- with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of realization against Respondent - APSRTC.

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 16.07.2000 at about 2.00 p.m., while the Petitioner along with his father-in-law started from Kanigiri to go to Guntur in a car bearing No.AP 7A 4663, at about 4.00 p.m., when they reached Musi Bridge curve, an APSRTC bus bearing No.AP 10 Z 8250 (hereinafter referred as "the offending bus") came in a rash and negligent manner and dashed against the car. As a result, the Petitioner sustained grievous injury to his right leg, cut injury on his forehead.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.7,50,000/- from Respondents 1 and 2 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.58,750/- 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 Sreekanth Reddy Ambati, 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 consideration is:

Whether the Claimant is entitled to enhancement of compensation, and if so, to what amount?

POINT:

7. It is appropriate to refer to the settled principles governing award of compensation in cases of personal injuries. The Hon'ble Supreme Court in ***Raj Kumar v. Ajay Kumar***[1] has categorized the heads under which compensation is to be awarded in personal injury cases into pecuniary and non-pecuniary damages. It was held that compensation may be awarded towards medical expenses, transportation, nourishing food, loss of earnings during the period of treatment, loss of future earning capacity due to permanent disability, future medical expenses, pain and suffering, loss of amenities and loss of expectation of life, depending upon the facts and evidence available in each case. It was further held that the percentage of permanent disability cannot be mechanically treated as the percentage of loss of earning capacity, and the effect of disability on earning capacity has to be assessed with reference to the nature of occupation, age, and other relevant factors.

8. The Hon'ble Supreme Court in ***R.D. Hattangadi v. Pest Control (India) (P) Ltd.***,[2] explained that compensation has to be assessed under two broad categories, namely pecuniary damages and non-pecuniary damages. While pecuniary damages relate to actual expenses and losses capable of being

[1] (2011) 1 SCC 343
[2] (1995) 1 SCC 551

calculated in monetary terms, non-pecuniary damages relate to losses which cannot be precisely quantified, such as pain and suffering, loss of amenities, loss of expectation of life and the inconvenience and hardship suffered by the injured claimant. Further, in ***Karnataka State Road Transport Corporation v. Mahadeva Shetty***,[3] the Hon'ble Supreme Court observed that though no mathematical formula can be applied for assessing the value of human suffering or disability, the compensation awarded must be just, fair and reasonable. The discretion vested in the Tribunal is required to be exercised on a rational and judicious basis and not on arbitrary considerations. Keeping the aforesaid principles in view, this Court proceeds to examine the adequacy of compensation awarded under the various heads.

9. There is no dispute with regard to the factum of the accident that had taken place due to the rash and negligent driving of the driver of the offending bus and sustenance of injuries by the Petitioner in the said accident.

10. In order to prove his claim, the Petitioner himself was examined as P.W.1. He testified that he sustained fracture to his right leg. Immediately after the accident, he was shifted to Chimakurthi Hospital and subsequently to the Government General Hospital, Guntur. Thereafter he was shifted to a private hospital at Guntur. P.W.1 took treatment as In-patient for 30 days. He underwent surgery for his fracture by inserting steel rods. Due to the surgery, there is shortening of right leg. P.W.1 further deposed that, he used to earn Rs.15,000/- per month as salary being the Managing Director of Firestry &

[3] (2003) 7 SCC 197

Orchads Limited and Rs.5,00,000/- to Rs.6,00,000/- per annum from the cultivation. Because of the injuries sustained in the said accident, the Petitioner is unable to do his business. The learned Tribunal awarded total compensation of Rs.58,750/- against the claim of Rs.7,50,000/-. In order to prove his treatment, he got examined Dr.S.Amarnath as P.W.2. He deposed that the injured sustained commuted fracture of the tibia platen on right side. He underwent external fixation and inner fragmentary screen fixation on 19.07.2000 and was discharged on 15.08.2000. The nature of the injuries is grievous. Because of the fracture, there will be some limping and tendency of earlier arthritis. He cannot perform prolonged activities by using right lower leg. According to P.W.1, he suffered 20% disability and he issued Ex.A.6 Certificate. P.W.2 further stated that the injured requires future surgery for removal of implants.

11. The learned Tribunal awarded an amount of Rs.25,000/- for the fracture and Rs.5,000/- for the simple injury. P.W.2 started that the X-ray of right foot and right knee would show the fracture of fibula and tibia. As rightly deposed by P.W.2, it is a commuted fracture of tibia platen on right side. In that view, the compensation of Rs.25,000/- awarded for fracture is enhanced to Rs.50,000/-. This Court is not inclined to disturb the finding regarding the compensation awarded for simple injury.

12. Further, the learned Tribunal awarded an amount of Rs.23,750/- under the head of medical expenses and another Rs.5,000/- for extra nourishment and loss of income. This Court is not inclined to disturb such findings.

13. Nothing has been awarded under the head of transportation charges, damages to clothing, attendant charges and other incidental expenses. Taking into consideration of the gravity of the injury and the period of treatment, an amount of Rs.10,000/- is awarded under these heads. Further, Rs.25,000/- each has been awarded under the heads of loss of expectation of life and loss of amenities of life. Thus, the Appellant / Claimant is entitled to compensation under the following heads:

Head of compensation	**Award of the Tribunal in Rs.**	**Compensation awarded by this Court Rs.**
Pain and Suffering	30,000/- (for grievous injury @ 25,000/- + for simple injury @ Rs.5,000/-)	55,000/- (for grievous injury @ 50,000/- + for simple injury @ Rs.5,000/-)
Medical expenses	23,750/-	23,750/-
Extra nourishment and loss of income during treatment	5,000/-	5,000/-
Transportation charges, damages to clothing, attendant charges and other incidental expenses	---	10,000/-
Loss amenities	---	25,000/-
Loss of expectation of life	---	25,000/-
Total	**58,750/-**	**1,43,750/-**

14. 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.58,750/- to Rs.1,43,750/-.

15. Accordingly, the MACMA is partly allowed with proportionate costs enhancing the compensation from Rs.58,750/- to Rs.1,43,750/-. 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.

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Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:24.11.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.5231 of 2008

DATE: 24.11.2026

Dinesh