APHC010449952022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3333]
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 322/2022

Between:

1. THE MANAGER, APSRTC, PODILI DEPOT, PODILI, PRAKASAM DISTRICT.
2. THE MANAGING DIRECTOR, APSRTC, MUSHEERABAD, HYDERABAD. (NOW IN RTC BUS STAND COMPLEX, VIJAYAWADA, KRISHNA DISTRICT

...APPELLANT(S)

AND

1. GAJJALA GOVINDA REDDY, S/O VENKATESWARA REDDY, AGED 42 YEARS, ADDANKI VILLAGE AND MANDAL, PRAKASAM DISTRICT.
2. VARIKUNTA SRINIVASA RAO, S/O LAKSHMI NARAYANA, HINDU, AGED 35 YEARS, DRIVER, APSRTC, STAFF NO. E953673, PODILI DEPOT, PODILI, PRAKASAM DISTRICT. (DRIVER OF CRIME BUS)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to allow the MACMA by setting aside the Order and Decree dated 24-06-2022 passed in M.V.O.P. No. 108 of 2013 on the file of the Court of the Motor Accidents Claims Tribunal cum VIII ADDL. District Judge, Ongole and pass

IA NO: 1 OF 2022

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 all further proceedings pursuant to the Order and

Decree dated 24-06-2022 passed in M.V.O.P. No. 108 of 2013 on the file of the Court of the Motor Accidents Claims Tribunal cum VIII ADDL. District Judge, Ongole including of execution proceedings, pending disposal of the above MACMA and pass

Counsel for the Appellant(S):

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 322/2022

JUDGMENT:

The APSRTC, Podili Depot, Podili filed the present appeal against the order and decree dated 24.06.2022 passed in M.V.O.P.No.108 of 2013 by the Motor Accidents Claims Tribunal-cum-VIII Additional District Judge's Court, Ongole, whereby and whereunder the Tribunal granted compensation of Rs.6,00,000/- (Rupees Six Lakhs only), as claimed for the injuries sustained by Gajjala Govinda Reddy, in a motor accident that occurred on 30.04.2011.

2. Appellants herein are the respondent Nos.2&3, respondent herein are the claimant and respondent No.1.

3. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

4. The case of the claimant, in brief, is that on 30.04.2011 at about 10.00 a.m., the petitioner and one Mekala Subba Rao were started from Vemula village to go to Darsi on a motor cycle as the petitioner was pillion rider and when they reached Pulipadi Rice mill on Addanki to Darsi road about 10.30 a.m., APSRTC bus bearing No. AP 10 Z 7383 came from Darsi side to go to Addanki side driven by the 1st respondent in a rash and negligent manner in high speed without blowing horn and dashed against the motor cycle of the petitioner injured. As a result, the petitioner and another were fell down on the road and sustained grievous injuries and bleeding injuries all over his body. Immediately he was shifted to Government hospital, Darsi, for treatment and

on the same day petitioner was shifted to City Hopsital, Guntur for better treatment. The doctors attended for treatment and surgeries were done and the petitioner was discharged from the City Hospital on 23.05.2011 and on the same day he was shifted to Sri Sai Hospital for further better treatment and discharged from the Sri Sai Hospital on 08.06.2011. The petitioner has been using medicines and spent more than Rs.3,80,000/-. Due to continues pains and sufferings the petitioner was again admitted in Srujan Ortho and accident care hospital at Khammam and surgeries were done by the doctor and discharged. The petitioner admitted in the Khammam hospital as in patient for a period of 50 days and spent total more than Rs.5 lakhs.

5. The respondent No.3 filed written statement denying the rash and negligent driving on the part of the driver of the offending vehicle and further contended that the petitioner and rider of motor cycle were in intoxication condition and due to negligence of the rider of the motor cycle, accident was occurred and there was no negligence on his part for causing accident. Thereby the respondent No.3 is not liable to pay the compensation. As there was no passengers at Pulipadu, the driver of the bus started the bus at that time the driver of the two wheeler came opposite direction in a wrong route unable to control the hand of the motor cycle and hit the right side front portion of the bus.

6. Based on the pleadings, the Tribunal framed the following issues were settled:

"1. Whether the accident which took place on 30.04.2011 at 10.30 a.m., was due to rash and negligent driving of Motor Vehicle bearing No. AP 10 Z 7383 (RTC bus) by its driver?

2. Whether the petitioner is entitled to get compensation, If so to what amount and from whom?

3. To what relief?"

7. Before the Tribunal, the petitioner himself got examined as P.W.1 and got marked Exs.P1 to P16. On behalf of the Respondents, 1st respondent (driver of RTC bus) was examined as RW.1, however, no documents marked on behalf of respondents.

8. The Tribunal, upon considering the oral and documentary evidence available on record, answered Issue No.1 in favour of the claimant, holding that the accident occurred due to the rash and negligent driving of the APSRTC bus bearing No.AP 10 Z 7383 by its driver, who was arrayed as respondent No.1 before the Tribunal. With regard to Issue No.2, the Tribunal awarded a total compensation of Rs.6,00,000/- (Rupees Six Lakhs only), together with proportionate costs and interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization. Respondent Nos.1 to 3 were directed to deposit the compensation amount within one month from the date of the award.

9. Aggrieved by the said award, the respondent Nos.2 and 3 preferred this appeal contending that the Tribunal erred in granting compensation in the absence of disability certificate even though no evidence was adduced by the injured to prove that he suffered disability in the accident. The Tribunal ought

to have seen that a criminal case was foisted against the driver of APSRTC bus only to get unlawful gain. The Tribunal ought to have seen that the claimant and the rider of motor cycle were in intoxication condition and due to negligence of the rider of motor cycle, accident was occurred. It is, therefore, prayed to allow the appeal.

10. On the other hand, learned counsel for the petitioner/respondent No.1 herein has supported the impugned award and prayed to dismiss the appeal.

11. Now the point for consideration is:

Whether the order of the Tribunal needs any interference?

POINT:

12. In order to establish that the accident occurred due to the rash and negligent driving of the driver of the APSRTC bus, the claimant examined himself as P.W.1. He categorically deposed that on 30.04.2011 at about 10.00 a.m., while he was travelling as a pillion rider on a motorcycle along with Mekala Subba Rao from Vemula Village towards Darsi, and when they reached near Pulipadu Rice Mill on the Darsi-Addanki Road at about 10.30 a.m., the APSRTC bus bearing No.AP 10 Z 7383, coming from Darsi towards Addanki, driven by its driver in a rash and negligent manner at high speed without blowing the horn, dashed against the motorcycle. As a result, the claimant and the rider of the motorcycle fell on the road and sustained grievous injuries, including fractures to the left hip joint, right femur (lower end), compound fractures to the right tibia and fibula, and fractures to the ribs.

Thereafter, the claimant was shifted in a private vehicle to the Government Hospital, Darsi, and after receiving first aid, he was shifted to City Hospital, Guntur, for better treatment. The doctors conducted surgeries for the fractures and injuries sustained by him. Subsequently, on 23.05.2011, he was shifted to Sri Sai Hospital, Guntur, where he continued treatment and was discharged on 08.06.2011. He further deposed that he had incurred an expenditure of more than Rs.5,30,000/- towards medicines, doctor's fees, hospital charges, transportation, food and other incidental expenses.

13. A perusal of the evidence of P.W.1, coupled with Ex.A1-certified copy of the FIR and Ex.A2-certified copy of the charge sheet filed after due investigation against the driver of the APSRTC bus bearing No.AP 10 Z 7383, establishes the involvement of the offending vehicle and the negligence on the part of its driver. The Tribunal, upon appreciation of the aforesaid oral and documentary evidence, rightly held that the accident occurred due to the rash and negligent driving of the APSRTC bus by its driver. This Court finds no valid ground to interfere with the said finding of the Tribunal.

14. Coming to the quantum of compensation, it is evident that the Tribunal has not assigned any specific reasons for awarding a sum of Rs.6,00,000/-. Further, the Tribunal has neither adopted any appropriate method of assessment nor discussed the documentary evidence on the basis of which the said compensation was determined.

The claimant got marked Exs.A1 to A16 in support of his claim. However, he did not examine any other witness to substantiate the contents of the said documents. Nevertheless, his oral evidence establishes that he sustained grievous injuries and fractures in the accident and underwent treatment as an inpatient in different hospitals for a considerable period.

15. In the absence of any rebuttal evidence on behalf of the respondents, the medical documents produced by the claimant can be considered to the extent of establishing the medical expenditure actually incurred by him. A perusal of the record discloses that Ex.A8, the essentiality certificate issued by City Hospitals, Guntur, reflects medical expenditure of Rs.2,95,910/-, which is supported by the original medical bills marked as Exs.A7, A10 and A12. Further, Ex.A10, a bunch of 17 medical bills issued by Sri Sai Hospitals, Guntur, amounts to Rs.40,314/-, and Ex.A14, the medical bill issued by Sindhu Medicals, Khammam, amounts to Rs.1,707/-.

16. However, in the absence of cogent documentary or oral evidence establishing the nature of the surgeries allegedly performed and the expenditure incurred towards the same, this Court is not inclined to grant any separate compensation under that head. Nevertheless, having regard to the nature of the injuries sustained by the claimant, including the fractures and bleeding injuries, and the period of treatment undergone by him, this Court is of the view that a sum of Rs.20,000/- towards pain and suffering would be just and reasonable.

17. In view of the foregoing discussion, the compensation awarded by this Court is as under:

Sl.No.	Head of the claim	Amount awarded by this Court in Rs.
1	Medical expenses (Rs.2,95,910 + 40, 314/-)	3,36,224/-
2.	Pain and suffering	20,000/-
	Total	**3,56,244**/-

18. In the result, the Motor Accidents Civil Miscellaneous Appeal is **partly allowed**, reducing the compensation awarded by the Tribunal from Rs.6,00,000/- (Rupees Six Lakhs only) to Rs.3,56,224/- (Rupees Three Lakhs Fifty Six Thousand Two Hundred and Twenty-Four only). The claimant is entitled to the aforesaid compensation of Rs.3,56,224/- together with proportionate costs and interest at the rate of 7.5% per annum from the date of filing of the claim petition till the date of realization, as awarded by the Tribunal. The liability fastened on the respondents by the Tribunal shall remain unaltered. The remaining findings and directions of the Tribunal, which are not modified by this judgment, shall remain undisturbed. There shall be no order as to costs in this appeal.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated 29.10.2026
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THE HONOURABLE SMT JUSTICE V.SUJATHA

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