APHC010454062009

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

THURSDAY, THE 19th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No: 2217/2009

Between:

DR.R.VENKATESWARLU, S/O. S.VENKATA SWAMY, RETIRED CIVIL ASSISTANT SURGEON, R/O. DHARMAPETA, KURNOOL.

...APPELLANT

AND

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION, REP BY ITS MANAGING DIRECTOR CUM- VICE CHAIRMAN, MUSHEERABAD, HYDERABAD.

...RESPONDENT

Counsel for the Appellant:

1. J JANAKIRAMI REDDY

Counsel for the Respondent:

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

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 Judgment and Decree dated 03.03.2008 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Special Judge for STST (POA) Act-cum-VI Additional District Judge, Kurnool (for short “the Tribunal”), in M.V.O.P.No.458 of 2006 granting compensation of Rs.44,000/- 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 24.10.2005 while the Petitioner along with other passengers was travelling in a APSRTC bus bearing No.AP 11 Z 4495 (hereinafter referred to as "the offending vehicle") from Hyderabad to Kurnool and when the bus reached Undavelli Village, at about 3.30 a.m., it dashed against a stationed lorry from the back side, due to which the Petitioner and some other passengers received grievous injuries and the driver of the bus died on the spot.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.3,00,000/- from Respondent – APSRTC 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.44,000/- 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 J.Janaki Rami Reddy, learned counsel for the Appellant / Petitioner and Sri Aravala Ramarao, learned 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. 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 vehicle and sustenance of injuries by the Petitioner in the said accident.

8. As per Ex.A.3 – Wound Certificate issued by Apollo Hospital, Hyderabad, the Petitioner had suffered grievous injury i.e., fracture of right tibia and also one sutured wound over the forehead, an abrasion over left second toe and a communited fracture proximal end of right tibia. Ex.A.3 does not reveal the classification of the injuries i.e., grievous or simple.

9. The Petitioner got examined P.W.2, the Doctor, who treated him. P.W.2 testified that he operated the Petitioner on 26.10.2005 for the communited fracture of upper end of right tibia. P.W.2 certificated the medical expenditure as per Ex.A.4 – bunch of medical bills. Ex.A.2 is the Discharge Summary issued by Apollo Hospital, Hyderabad. The medical record would show that the Petitioner had taken treatment as In-patient in the special ward and the injuries are grievous in nature.

10. According to the Petitioner, he is a Doctor and he used to earn Rs.20,000/- per month by working as a Private Doctor. He is a retired Civil Assistant Surgeon. The learned Tribunal awarded an amount of Rs.10,000/- for the grievous injury. Taking into consideration of the gravity of the injury

and also the treatment underwent by the Petitioner, an amount of Rs.25,000/- is awarded for the grievous injury. The learned Tribunal awarded Rs.1,000/- each for two simple injuries and the same is enhanced to Rs.5,000/- each.

11. The learned Tribunal further awarded an amount of Rs.20,000/- towards loss of earnings for two months. In the absence of proof of income, since the Petitioner is a retired Doctor, the learned Tribunal awarded such amount. This Court is not inclined to disturb such finding.

12. For medical expenses and extra nourishment the learned Tribunal awarded an amount of Rs.10,000/- and for transportation expenses Rs.2,000/- towards is awarded. This Court is not inclined to disturb such findings. Nothing has been awarded under the heads of loss of expectation of life and loss of amenities. Taking into consideration of the age of the Petitioner, the surgery he underwent and the period of treatment as In-patient, an amount of Rs.10,000/- each is awarded under these two heads. 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	12,000/- (for grievous injury @ 10,000/- + for two simple injuries @ Rs.1,000/- each)	35,000/- (for grievous injury @ 25,000/- + for two simple injuries @ Rs.5,000/- each)
Loss of earnings during the period of treatment	20,000/-	20,000/-

Transportation expenses	2,000/-	2,000/-
Medical expenses and extra nourishment	10,000/-	10,000/-
Loss amenities	---	10,000/-
Loss of expectation of life	---	10,000/-
Total	**44,000/-**	**87,000/-**

13. 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.44,000/- to Rs.87,000/-.

14. Accordingly, the MACMA is partly allowed with proportionate costs enhancing the compensation from Rs.44,000/- to Rs.87,000/-. 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.

Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:19.11.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.2217 of 2009

DATE: 19.11.2026

Dinesh