APHC010475912011

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

FRIDAY, THE 20th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2563/2011

Between:

1. THE ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION, REP. BY ITS MANAGING DIRECTOR MUSHIRABAD, HYDERABAD.

...APPELLANT

AND

1. GURIJULA LAXMI REDDY ANOTHER, S/O. NAGI REDDY, FARMER, R/O. KONDEPALLI VILLAGE, MARKAPUR MANDAL, PRAKASAM DISTRICT.
2. ALLAGADDA BRAMHANANDAM, S/O. PUCHI KOTAIAH, DRIVER BASIVIREDDY PALLE, DONAKONDA MANDAL. (RR NO. 2 NOT NECESSARY TO THE APPEAL)

...RESPONDENT(S):

Counsel for the Appellant:

1. P VENKATA RAO SC For APSRTC

Counsel for the Respondent(S):

1. J JAYANAND

The Court made the following Judgment:

The instant appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short, "the M.V. Act"), by the appellant/claimant, aggrieved by the Order and Decree dated 03.02.2010 passed by the VI Additional District and Sessions Judge (Fast Track Court), Markapur, (for short, "the Tribunal"), in M.V.O.P.No.253 of 2009, whereby the Tribunal awarded compensation of Rs.2,00,000/- with proportionate costs and interest at the rate of 8% per annum from the date of petition till the date of deposit, payable by the respondent.

2. The brief facts of the case are that on 29.04.2006 at about 10.00 p.m., the 1st respondent/claimant, along with his relatives, was travelling in an Auto bearing registration No.AP-27-V-3323 from Kondepalli Village towards Markapur Railway Station. When the Auto reached the tank bund road at Markapur, an APSRTC bus bearing registration No.AP-10-Z-429, coming from the opposite direction, dashed against the Auto. As a result, the Auto turned turtle, causing injuries to the claimant and other passengers. Two of the passengers sustained fatal injuries and died in the accident.

3. The claimant was initially shifted to the Government Hospital, Markapur, and thereafter to the Government General Hospital, Guntur. He underwent treatment for the injuries sustained by him and subsequently received treatment as an inpatient at SSV Hospital, Guntur. He sustained injuries to his spinal cord and right-side rib bones. Despite undergoing

treatment, he continued to suffer from the consequences of the injuries and claimed that he was unable to attend to his ordinary work.

4. The claimant filed M.V.O.P.No.253 of 2009 under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.2,00,000/- against the driver and the Andhra Pradesh State Road Transport Corporation.

5. The respondents before the Tribunal remained ex parte. During the course of trial, the claimant examined himself as PW1 and marked Exs.A1 to A8. The documentary evidence included the FIR, inquest report, charge sheet, Motor Vehicle Inspector's report, wound certificate, scan report, prescriptions, medical bills and a bunch of nine X-rays.

6. The Tribunal, on consideration of the evidence of PW1 and the documentary evidence, held that the accident occurred due to the rash and negligent driving of the APSRTC bus driver. The Tribunal further observed that the claimant sustained injuries to his spinal cord and, even after undergoing treatment, was unable to attend to his ordinary work. Taking into consideration the oral and documentary evidence, the Tribunal awarded compensation of Rs.2,00,000/- with interest at 8% per annum from the date of filing of the claim petition, i.e., 28.04.2009, till realization, with costs.

7. Aggrieved by the said award, the APSRTC preferred the present appeal contending, inter alia, that the accident occurred due to the rash and negligent driving of the Auto driver; that the Tribunal ought to have attributed

50% contributory negligence to the Auto driver; that the owner and insurer of the Auto were not impleaded as parties to the claim petition; that no disability certificate was filed by the claimant; and that the compensation awarded by the Tribunal is excessive and exorbitant.

8. Heard Sri P. Venkata Rao, the learned Standing Counsel for APSRTC appearing for the appellant-Corporation and Sri J. Jayanand, learned counsel appearing for respondents.

9. Having heard the submissions made by the learned counsel for the appellant and on perusal of the material available on record, the following point arises for consideration is:

"Whether the award passed by the learned Tribunal warrants interference by this Court at the instance of the appellant-Corporation"?

10. The appellant-Corporation seeks to attribute 50% contributory negligence to the claimant on the ground that the accident occurred due to the rash and negligent driving of the Auto driver. It is also contended that the Tribunal erred in awarding compensation of Rs.2,00,000/- without there being any disability certificate or medical evidence of the Doctor who treated the claimant.

11. However, the record discloses that the appellant-Corporation, though arrayed as a respondent before the learned Tribunal, remained ex parte and did not choose to file even a written statement disputing the claim of

the petitioner. The appellant, having participated in the proceedings before the learned Tribunal, failed to place its defence on record by filing a written statement. In the absence of any such pleadings before the Tribunal, the appellant cannot now be permitted to advance a plea of contributory negligence for the first time in the appeal. Any amount of argument advanced in the absence of corresponding pleadings is of no avail.

12. The record would further disclose that the claimant sustained injuries to his spinal cord in the accident that occurred on 29.04.2006. He was initially treated at the Government Hospital, Markapur, and thereafter shifted to the Government General Hospital, Guntur. He also underwent further treatment at SSV Hospital, Guntur. The medical records, including the wound certificate, scan report, prescriptions, medical bills and X-rays marked as Exs.A5 to A8, support the version of the claimant regarding the injuries sustained and the treatment undergone by him.

13. The learned Tribunal, having considered the evidence of PW.1 coupled with the medical records, specifically observed that even after undergoing treatment, the claimant was unable to attend to his ordinary work. The evidence of the claimant regarding the continuing consequences of the spinal cord injury remained unchallenged. The Tribunal, therefore, awarded compensation of Rs.2,00,000/- as claimed by the petitioner.

14. The contention of the appellant that no disability certificate was filed and that the compensation awarded is excessive cannot be considered in

isolation, ignoring the evidence available on record. The learned Tribunal assessed the nature of the injuries, the treatment undergone by the claimant and the continuing difficulties faced by him. The appellant-Corporation, having remained ex parte before the Tribunal, did not adduce any evidence to controvert the claimant's version or the medical records.

15. It is also relevant to note that the accident occurred on 29.04.2006 and the claimant has been pursuing the claim for compensation for the injuries sustained by him. The appellant-Corporation, having remained silent before the Tribunal, has now preferred the present appeal challenging the compensation awarded to the injured claimant after nearly two decades from the date of the accident.

16. In the above circumstances, this Court is not inclined to interfere with the findings recorded by the learned Tribunal. The appellant has not made out any ground warranting interference with the award passed by the learned Tribunal.

17. In the result, the Motor Accidents Civil Miscellaneous Appeal is dismissed, confirming the order and decree dated 03.02.2010 passed in M.V.O.P.No.253 of 2009 by the VI Additional District and Sessions Judge (Fast Track Court), Markapur. There shall be no order as to costs.

DR. VENKATA JYOTHIRMAI PRATAPA,J

19.11.2026
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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Dt: 19.11.2026

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