APHC010492662011

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

FRIDAY, THE 13th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1662/2011

Between:

MUKKARA SAMUEL, S/O. YESOBU, COOLI & BARREN TO BACCO WORKER R/O. VAVIPADU VILLAGE, NARASARAOPET MANDAL, GUNTUR DISTRICT.

...APPELLANT

AND

1. TARA TAMBABU, S/O. SRINIVASARAO, DRIVER OF LORRY AP 16 X 1168, VALLABHAPURAM VILLAGE, KOLLIPARA MANDAL, GUNTUR DISTRICT.
2. M NAGA MALLESWARA VANI, W/O. JANARDHANARAO, OWNER OF LORRY AP X 1168, J.D. NEAR, PATAMATA, VIJAYAWADA, KRISHNA DISTRICT.
3. THE UNITED INDIA INSURANCE CO LTD, REP.BY ITS DIVISIONAL MANAGER, ELURU, WEST GODAVARI DISTRICT.

...RESPONDENT(S):

Counsel for the Appellant:

1. B.V. KRISHNA REDDY

Counsel for the Respondent(S):

1. SRINIVASA RAO VUTLA

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 Award and Decree dated 30.07.2010 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Additional District Judge, West Godavari, Eluru (for short “the Tribunal”), in M.V.O.P.No.376 of 2006 granting compensation of Rs.1,93,600/- with costs and interest @ 6% per annum from the date of

petition till the date of realization, against Respondent Nos.1 to 3 jointly and severally.

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 02.03.2005 in the evening, the Petitioner started from Ravipadu, came to Nallajerla Centre and boarded a lorry bearing No.AP 16 X 1168 (hereinafter referred to as "the offending vehicle") to go to Narasaraopet. When he reached Bhogapuram Village on NH5 road, on 03.03.2005 at 5.15 a.m., the driver of the offending vehicle drove the same in a rash and negligent manner at a high speed and dashed against a stationed lorry bearing No.WB 23 A 7076 on its rear side. As a result, the Petitioner sustained multiple grievous injuries. Immediately he was shifted to Government General Hospital, Eluru. A case in Crime No.37 of 2005 against the driver of the offending vehicle was registered for the offences under Sections 337 and 338 of IPC.

(ii) As such, the Petitioner filed a petition claiming compensation of Rs.4,00,000/- 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.1,93,600/- 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 B.V.Krishna Reddy, learned counsel for the Appellant / Petitioner and Sri Vutla Srinivasa Rao, learned counsel for Respondent No.3 - Insurer. None appeared for Respondent Nos.1 and 2.

5. Learned counsel for the Appellant / Claimant would submit that the compensation awarded by the Tribunal is meager. It is further submitted that the Petitioner is entitled to just and reasonable compensation.

6. *Per contra,* learned counsel for Respondent No.3 / Insurer would submit that the learned Tribunal on appreciation of the evidence on record in a proper perspective, had rightly awarded just and reasonable compensation. There are no grounds to interfere with such finding. Hence, prayed for dismissal of the appeal.

7. Considered the submissions, perused the contentions raised before the Tribunal and assessed the entire evidence including the exhibited documents available on record.

8. The point that arises for determination is:

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

POINT:

9. There is no dispute with regard to the factum of the accident that had taken place on 03.03.2005, due to the rash and negligent driving of the driver of the offending vehicle. It is also not in dispute that the Petitioner sustained two grievous injuries which led to amputation of left leg below the knee.

10. According to the Petitioner, he was aged 35 years as on the date of the accident, he used to work as a worker in Tobacco barren and earn Rs.5,000/- per month. In order to establish the injuries sustained by the Petitioner and the treatment he underwent, the Petitioner himself was examined as P.W.1.

He deposed that, he sustained grievous injuries in the said accident. Immediately after the accident, he was taken to Government Hospital, Eluru and then shifted to Mahalakshmi Hospital, Eluru for better treatment and his left leg was amputated upto knee. P.W.2 the Medical Officer of District Head Quarters Hospital, was examined on behalf of the Petitioner. He deposed that the Petitioner sustained crush injuries on both the legs. He conducted surgery on 14.03.2005 in the form of amputation of left lower limb and debridement of right lower limb. He further deposed that the Petitioner was discharged on 21.06.2005 and that the injuries in Ex.A.2 are grievous injuries.

11. According to P.W.2, the disability is 50% to 60%. The learned Tribunal considered the disability at 30% without assigning any justifiable reasons to reduce the disability to 30%. It is the case of the Petitioner that he used to work as worker in Tobacco barren. Such being the case, when his left leg was amputated up to knee, and as P.W.2 the Doctor deposed that the disability is 50% to 60%, this Court is of the view that the learned Tribunal would have considered the disability at least at 50% as deposed by the Doctor. However, considering the evidence of P.W.2 and the contents of Ex.A.5 Disability Certificate placed on record, and also keeping the avocation of the Petitioner, in mind, this Court is inclined to consider the disability to the extent of 60%. Even in the absence of any proof of income, taking into consideration of the age of the Petitioner i.e., 35 years and the date of the accident 02.03.2005, his minimum monthly income can be taken as Rs.4,000. Taking into consideration the income of the Petitioner at Rs.4,000/- per month

as a worker, his age as 35 years, as per the judgment of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi***[1]**,** after adding 40% towards future prospects, the monthly income works out to Rs.5,600/-. The annual income would therefore be Rs.67,200/-. Applying 60% disability, the annual loss of earning capacity comes to Rs.40,320/-. Considering the age of the Petitioner as 35 years, the relevant multiplier applicable as per the judgment of the Hon'ble Supreme Court in ***Sarla Verma v. Delhi Transport Corporation***[2], is '16'. Applying the same, the loss of future earning capacity is assessed at Rs.6,45,120/- (Rs.40,320 x 16).

12. The learned Tribunal awarded an amount of Rs.10,000/- for the grievous injuries. In the light of the gravity of the injuries, the period of treatment underwent and the nature of treatment, which went to the extent of amputation of leg at the age of 35 years, this Court is of the view that the Petitioner is entitled to Rs.50,000/- under the head of pain and suffering.

13. Further, nothing has been awarded under the heads of special died, transport charges, attendant charges, loss of amenities of life, loss of expectation of life, disfiguration. Considering the amputation of leg, the age and avocation of the Petitioner, this Court is inclined to award Rs.5,000/- under the head of special diet, Rs.5,000/- towards transport charges, Rs.30,000/- towards attendant charges, Rs.1,00,000/- towards loss of amenities, Rs.1,00,000/- under the head of loss of expectation of life and

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[1] (2017) 16 SCC 680
[2] (2009) 6 SCC 121

Rs.50,000/- towards disfiguration. The Appellant / Claimant is, thus, entitled to compensation under the following heads:

Head of compensation	**Award of the Tribunal in Rs.**	**Compensation awarded by this Court Rs.**
Loss of future earning capacity in view of the disability	1,83,600	6,45,120/-
Pain and Suffering for the grievous injuries	10,000/-	50,000/-
Special diet Transportation, and attendant charges	---	40,000/-
Loss of Amenities	---	1,00,000/-
Loss of Expectation of Life	---	1,00,000/-
Disfiguration	---	50,000/-
Total	**1,93,600/-**	**9,85,120/-**

14. In **R. Logeshkumar v. P. Balasubramaniam**[3]**,** after referring to the decision rendered in **Nagappa v. Gurudayal Singh**[4], it was held that there is no restriction on the Tribunal in awarding compensation exceeding the claimed amount under the Motor Vehicles Act, 1988, and the function of the Tribunal is to award just compensation which is reasonable based on the evidence produced on record. Therefore, in a given case, the discretion to award compensation in excess of the amount claimed in the petition is based on the evidence on record and for reasons recorded for granting just and fair compensation. It is said that the goal is meaningful succor, not a mere pittance or an "apology for compensation". In the present case, the compensation as

[3] 2025 INSC 1392
[4] 2003 (2) SCC 271

awarded by the Claims Tribunal against the background of the facts and circumstances of the case, is not just and reasonable and the claimants are entitled to more compensation than the amount awarded, though they might not have claimed the same at the time of filing of the claim petition.

15. There is no dispute over the liability to pay the compensation by the Insurer, since Ex.B.1 Insurance Policy was in force as on the date of the accident to the offending vehicle. Therefore, as rightly observed by the learned Tribunal, Respondent Nos.1 to 3, the driver, owner and the insurer are jointly and severally liable to pay the compensation.

16. 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.1,93,600/- to Rs.9,85,120/-.

17. Accordingly, the MACMA is allowed with costs enhancing the compensation from Rs.1,93,600/- to Rs.9,85,120/-. The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realization against Respondent Nos.1 to 3 jointly and severally.

(ii) Respondent No.3 – Insurance Company 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.

(v) The Appellant / Claimant is directed to pay the deficit Court fee before the Tribunal forthwith.

Miscellaneous petitions pending if any, stand closed.

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Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date:13.11.2026
Dinesh

THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA

M.A.C.M.A.No.1662 of 2011

DATE: 13.11.2026

Dinesh