APHC010494872011

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: 2726/2011

Between:

1. GADDE RAVINDRA BABU, S/O. KOTESWARA RAO, R/O. DASARIPALEM VILLAGE, KONNEGANTIVARIPALEM POST, BHATTIPROLU MANDAL, GUNTUR DISTRICT.

...APPELLANT

AND

1. ANDHRA PRADESH STATE ROAD TRANSPORT COPORATION, REP. BY ITS GENERAL MANAGER, MUSHEERABAD, HYDERABAD.

...RESPONDENT

Counsel for the Appellant:

1. N SUBBA RAO

Counsel for the Respondent:

1. P VENKATA RAO SC For APSRTC

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”), challenging the award passed in M.V.O.P. No.1375 of 2009, dated 25.07.2011, on the file of the Motor Vehicles Accidents Claims Tribunal-cum-XI Additional District Judge (FTC), Guntur at Tenali, seeking enhancement of compensation, whereby the Tribunal awarded a sum of Rs.29,650/- after deducting 50% towards contributory negligence on the part of the claimant, together with proportionate costs and interest at the rate of 7.5% per annum from the date of petition till the date of payment, payable by the respondent.

2. This Motor Accidents Civil Miscellaneous Appeal is filed by the appellant/claimant.

3. The brief facts of the case are that on 23.10.2009 at about 9.30 a.m., while the claimant was proceeding on the left side of Guntur-Amaravathi Road near Milk Dairy at Hindu College, Guntur Town, the driver of the APSRTC bus bearing registration No.AP 11 Z 3702 drove the bus in a rash and negligent manner, came to the wrong side of the road and dashed against the claimant, resulting in grievous injuries to his right leg below the knee joint, causing permanent partial disability. Immediately after the accident, a case was registered in Crime No.293 of 2009 against the driver of the offending bus. The claimant filed the claim petition under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.1,50,000/- under various heads.

4. The respondent/APSRTC filed its counter denying the material averments of the claim petition and contending that the accident occurred due to the negligence of the claimant himself, who crossed the road in a wrong direction and hit the bus. It further contended that the compensation claimed was excessive and prayed for dismissal of the petition.

5. Basing on the above pleadings, the learned Tribunal fixed necessary issues for trial. During the course of trial, on behalf of the claimant, P.Ws.1 and 2 were examined and Exs.A-1 to A-4 and Ex.X-1 case sheet were marked. On behalf of the respondent, R.W.1 was examined.

6. The Tribunal, upon considering the oral and documentary evidence, held that the accident occurred due to the contributory negligence of both the claimant and the driver of the offending APSRTC bus, fixing their respective negligence at 50% each. Though P.W.2, the Orthopaedic Surgeon, assessed the claimant's permanent partial disability at 20%, the Tribunal restricted the disability to 15% in view of the claimant's failure to undergo physiotherapy. Considering the claimant's age as 17 years, the Tribunal applied the multiplier of 18 and assessed his annual income at Rs.19,000/-. Accordingly, the Tribunal awarded a total compensation of Rs.29,650/- under the heads of loss of earnings due to permanent partial disability, loss of earnings during treatment, transport and extra nourishment charges, together with interest at 7.5% per annum from the date of petition till realization, and partly allowed the claim petition.

7. Aggrieved by the quantum of compensation awarded by the Tribunal, the claimant preferred the present appeal seeking enhancement of compensation, contending that the amount awarded by the Tribunal is inadequate and that he is entitled to just and reasonable compensation under various heads.

8. Heard Sri N. Subba Rao, the learned counsel for the appellant and Sri P. Venkateshwar Rao, the learned Standing Counsel for APSRTC.

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 appellant/claimant is entitled to enhancement of compensation as sought for in the present appeal and, if so, to what extent?"

10. Having heard the submissions made on either side and upon perusal of the material available on record, there is no dispute with regard to the occurrence of the accident on 23.10.2009 and the injuries sustained by the claimant in the said accident. A criminal case was registered against the driver of the APSRTC bus and, after due investigation, a charge sheet was also filed. The grievance of the appellant/claimant is that the Tribunal failed to award just and reasonable compensation for the injuries sustained by him in the accident.

11. The claimant, who was examined as P.W.1, categorically deposed that he sustained fractures to both the bones of his right leg.

According to him, he was aged about 22 years at the time of the accident, was working as a wood polisher and earning Rs.150/- per day. He also examined P.W.2, the doctor who treated him. As per Ex.A-3 wound certificate, the claimant sustained 1) a lacerated wound measuring 7.0 x 2.0 cm over the middle one-third of the right leg, 2) an abrasion measuring 5.0 x 2.5 cm over the right leg above wound and 3) pain over the right thigh. The X-ray revealed fractures of the right tibia and fibula. P.W.2 opined that the claimant sustained fractures of both the bones of the right leg, with injury No.1 being grievous in nature and injuries Nos.2 and 3 being simple in nature. He further assessed the partial and permanent disability of the claimant at 20%.

12. The claimant was working as a wood polisher, which involves physical activity and movement of the lower limbs. Therefore, the fractures sustained by him to both the bones of his right leg and the consequential disability would certainly have an impact on his earning capacity. Having regard to the medical evidence of P.W.2 and the nature of the injuries sustained, this Court considers it appropriate to take the permanent partial disability at 20%.

13. With regard to the income of the claimant, the Tribunal assessed his annual income at Rs.19,000/-. However, the claimant specifically deposed that he was earning Rs.150/- per day by doing wood polishing work. Nothing has been elicited in his cross-examination to discredit his testimony regarding his avocation and income. Therefore, considering the nature of his avocation

and the date of the accident, this Court considers it appropriate to take his monthly income at Rs.4,500/-.

14. Further, in ***National Insurance Company Limited v. Pranay Sethi and Others***[1], the Constitution Bench of the Hon'ble Supreme Court held that an addition of 40% towards future prospects is required to be made in respect of self-employed persons below the age of 40 years. The said principle was also applied in cases of permanent disability by the Hon'ble Supreme Court in ***Jagdish v. Mohan and Others***[2]. In view of the above principles, the claimant is entitled to an addition of 40% towards future prospects. Accordingly, his monthly income of Rs.4,500/- after adding 40% towards future prospects comes to Rs.6,300/- (Rs.4,500/- + Rs.1,800/-).

15. With regard to the application of the multiplier, the Hon'ble Supreme Court in ***Sarla Verma and Others v. Delhi Transport Corporation and Another***., [3] held that the appropriate multiplier for the age group of 21 to 25 years is 18. Accordingly, taking the monthly income of the claimant at Rs.6,300/-, his annual income comes to Rs.75,600/- (Rs.6,300/- x 12). Applying the multiplier of 18, the total loss of future income comes to Rs.13,60,800/- (Rs.75,600/- x 18). By applying 20% towards permanent partial disability, the compensation under the head of loss of future earnings comes to Rs.2,72,160/- (Rs.13,60,800/- x 20%).

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[1] (2017) 16 SCC 680
[2] (2018) 4 SCC 571
[3] (2009) 6 SCC 121

16. The Tribunal awarded only Rs.2,000/- towards loss of earnings during the period of treatment. Having regard to the fact that the claimant, aged about 22 years, sustained fractures of both the bones of his right leg, including a compound fracture, and considering the nature of treatment undergone by him, it can reasonably be presumed that he would not have been in a position to attend to his ordinary avocation for a period of six months. Therefore, an amount of Rs.27,000/- (Rs.4,500/- x 6 months) is just and reasonable compensation under this head. The Tribunal awarded Rs.2,000/- towards transportation and extra nourishment charges. Having regard to the nature of injuries and the period of treatment, the same is enhanced to Rs.5,000/-.

17. The Tribunal did not award any compensation towards pain and suffering. Considering that the claimant sustained fractures to both the bones of his right leg, one of which was compound in nature, an amount of Rs.20,000/- for each fracture, totaling Rs.40,000/-, is reasonable compensation. In addition, an amount of Rs.10,000/- is awarded towards the two simple injuries at Rs.5,000/- each. The Tribunal also failed to award any compensation towards loss of expectation of life and loss of amenities of life. Having regard to the age of the claimant and the nature and gravity of the injuries sustained by him, an amount of Rs.20,000/- under each of the said heads is considered just and reasonable. Accordingly, the compensation awarded by the Tribunal and the compensation reassessed by this Court under various heads are as follows:

Sl. No.	Head of compensation	Tribunal awarded	This Court awards
1.	Loss of future earnings due to permanent partial disability	Rs.25,650/-	Rs.2,72,160/-
2.	Loss of earnings during treatment	Rs.2,000/-	Rs.27,000/-
3.	Transportation and extra nourishment charges	Rs.2,000/-	Rs.5,000/-
4.	Pain and suffering – two fracture injuries	Nil	Rs.40,000/-
5.	Pain and suffering – two simple injuries	Nil	Rs.10,000/-
6.	Loss of expectation of life	Nil	Rs.20,000/-
7.	Loss of amenities of life	Nil	Rs.20,000/-
	Gross total	**Rs.29,650/- (after deduction of 50%)**	**Rs.3,94,160/-**
	Less: 50% contributory negligence	—	**Rs.1,97,080/-**
	Net compensation payable		**Rs.1,97,080/-**

18. Accordingly, the compensation awarded by the Tribunal and the compensation reassessed by this Court under various heads are as follows. Having assessed the compensation under each head, the total compensation payable to the claimant comes to Rs.3,94,160/-. However, in view of the finding of the Tribunal regarding 50% contributory negligence on the part of the claimant, 50% of the total compensation, amounting to Rs.1,97,080/-, is deducted. Thus, the claimant is entitled to net compensation of Rs.1,97,080/-.

19. In the result, the appeal is allowed, modifying the award passed by the Tribunal and enhancing the compensation from Rs.29,650/- to Rs.1,97,080/-. The enhanced compensation shall carry interest at the rate of 7.5% per annum from the date of petition till the date of realization. The respondent/APSRTC is directed to deposit the enhanced compensation,

together with accrued interest, within two (2) months from the date of receipt of a copy of this judgment. On such deposit, the appellant/claimant is permitted to withdraw the same.

Miscellaneous petitions, if any, pending in this appeal shall stand closed.

DR. VENKATA JYOTHIRMAI PRATAPA,J

19.11.2026
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THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

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