APHC010569222022

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: 98/2023

Between:

1. M/S. SHRIRAM GENERAL INSURANCE CO. LTD, REP., BY ITS BRANCH MANAGER, BRANCH OFFICE, SRI GOPAL HERO MOTOR CYCLE BUILDING BESIDE PRAGATI HOSPITAL, NEAR APSRTC BUS-STAND, KADAPA.

...APPELLANT

AND

1. SRI BUDIGI UPENDRA, S/O. SIDDAIAH, R/O HARMAPURAM VILLAGE, RAILWAY KODUR MANDAL, YSR KADAPA DISTRICT
2. SRI M VENKATA RATNAM, S/O. M. URMUTLA GANGAIAH, OWNER OF CAR BEARING NO.AP 04 L 6246, R/O D.NO. 8/55-3, PRAKASH NAGAR, KADAPA TOWN AND CITY.
3. SRI RAMAIAHGARI RAVI SANKAR, S/O. SUBBAIAH, DRIVER OF CAR BEARING NO.AF 04 L 6246, R/O GOPIREDDIPALLI VILLAGE, B. MATAM MANDAL, KADAPA DISTRICT.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to set aside the order and decree passed in M.V.O.P.No.691 of 2014 on the file of the Motor Vehicle Accident Claims Tribunal -Cum- I Additional District Judge, Kadapa, Dated 09th day of May, 2022, and pass

IA NO: 1 OF 2023

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 condone the delay of 45 days in filing the above said appeal against the Order in M.V.O.P.No.691 of 2014 on the file of the I Additional District Judge, Kadapa, Dated 09th day of May, 2022 before the Hon'ble High Court of AP at Amaravathi. Else, I will be put to great hardship and irreparable loss.

IA NO: 2 OF 2023

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 condone the delay of 47 days in representing the above appeal against the order in MVOP No. 691 of 2014 on the file of the Motor Vehicle Accident Claims Tribunal - Cum - I Additional District Judge, Kadapa, Dated 09th day of May, 2022. Else, I will be put to great hardship and irreparable loss.

IA NO: 3 OF 2023

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 operation of the decree and Judgment in M.V.O.P.No.691 of 2014 on the file of the Motor Vehicle Accident Claims Tribunal -Cum - I Additional District Judge, Kadapa, Dated 09th day of May, 2022, pending disposal of the main C.M.A., and pass

IA NO: 4 OF 2023

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 vacate the stay granted IA.No. 3 to 2023 in MACMA.No. 98 of 2023 Dt. 31-03-2023 by permitting the petitioner to withdraw the deposited amount in M.V.O.P. 691 OF 2023 on the file of Motor Vehicle Accident Claims Tribunal cum I Additional District Judge, Kadapa and pass

Counsel for the Appellant:

1. KORAGANTI SREENIVASARAO

Counsel for the Respondent(S):

1. SURESH KUMAR REDDY KALAVA

The Court made the following:

JUDGMENT:-

This appeal is filed by the appellant/insurance company challenging the award dated 09.05.2022 passed by the Chairman, Motor Accident Claims Tribunal – cum – I Additional District Judge, Kadapa in M.V.O.P.No.691 of 2014, whereby, the Tribunal awarded compensation of Rs.5,25,657/-.

2. For the sake of convenience, the parties are referred to as they are arrayed before the Tribunal.

3. The petitioner is the injured; the 1st respondent is the owner, 2nd respondent is the insurer and the 3rd respondent is the driver of the car bearing No.AP-04-L-6246 (hereinafter referred to as the 'crime vehicle'). On 03.04.2014, at about 01.45 p.m., while the petitioner along with his friend Prudvi was travelling on a motorcycle, near Ananthampalli village, upon noticing one Shyam Prasad Reddy (petitioner's friend), stopped their motorcycle to talk to the said Shyam Prasad Reddy; at that juncture, the crime vehicle, being driven by the 3rd respondent in opposite direction at a high speed, dashed the petitioner and his friends, due to which, the petitioner and his friends sustained grievous injuries and the said Shyam Prasad Reddy succumbed to injuries. The petitioner was shifted to Government hospital, Rajampet and was subsequently shifted to SVIMS hospital, Tirupathi,; then to Roia hospital and finally to CMC hospital, Vellore. The incident was reported to Police who registered a case in crime No.59 of 2014 against the 3rd respondent for the offences punishable under Sections 337, 338 and 304-A of the Indian Penal Code. It is the claim of the petitioner that he is aged about 22 years as on the date of accident, working as a Police constable at Chitvel police station and drawing a monthly salary of Rs.18,726/-. Seeking compensation of

Rs.7,50,000/-, the petitioner filed claim petition before the Tribunal under Section 166 of the Motor vehicles Act, 1988 and Rule 476 of Andhra Pradesh Motor Vehicle Rules, 1989.

4. The 1st respondent remained exparte. The 2nd respondent contested the claim petition by filing a counter affidavit denying the age, income and occupation of the petitioner; that the driver of the motorcycle on which the petitioner was riding as on the date of accident was not having valid driving license. The 3rd respondent had also contested the claim petition by filing a counter affidavit contending that he was having a valid driving license at the time of accident and as such, the 2nd respondent is liable to pay compensation.

5. Basing on the above pleadings, the Tribunal framed the following issues for trial:

1) Whether the petitioner received injuries in a motor vehicle accident occurred due to rash and negligent driving by the driver of Tata Indigo car bearing No. AP04 L 62 46 on 3.4.2014?

2) Whether the petitioner is entitled for compensation, if so, to what amount and from whom?

3) To what relief?

6. During the course of trial, the petitioner got examined P.Ws.1 and 2, got marked Exs.A1 to A15. No ocular or documentary evidence was relied on by the respondents.

7. The Tribunal, after considering all the facts and material available before it, awarded Rs.5,25,657/- to the petitioner by holding that respondent Nos.1 to 3 are jointly and severally liable to pay. Aggrieved by the same, the 2nd respondent – insurance company filed this motor accident civil miscellaneous appeal on the ground that the Tribunal erred

in considering the age of the petitioner as 22 instead of 25; that the Tribunal erred in considering the disability of the petitioner as 10% by relying on Ex.A10 – disability certificate.

8. When the appeal came up for hearing on 31.03.2023, this Court passed the following interim order in I.A.No.3 of 2023:

> "There shall be stay of all further proceedings pursuant to the order and decree dated 09.05.2022 passed in M.V.O.P.No.691 of 2014 on the file of the Motor Vehicle Accident Claims Tribunal-cum-I Additional District Judge, Kadapa, subject to the condition of the petitioner/appellant depositing 50% of the compensation amount, including interest and costs, within a period of eight (08) weeks from today to the credit of the M.V.O.P., failing which the interim order stands vacated automatically."

9. Heard Sri. Koraganti Sreenivasa Rao, learned counsel for the appellant and Sri. P. Chaitanya, learned counsel representing Sri. K. Suresh Kumar Reddy, learned Standing Counsel for the 1st respondent/claim petitioner.

10. Perused the entire material available on record. To prove that the accident occurred due to the negligence of the 3rd respondent, the petitioner got himself examined as P.W.1; during the course of recording evidence, P.W.1 reiterated the manner of the accident. He got marked Exs.A1 to A15. To substantiate his case that the petitioner sustained grievous injuries in an accident occurred due to the rash and negligent driving on the part of the 3rd respondent, the petitioner relied on Ex.A1 – certified copy of the FIR and Ex.A4 – charge sheet filed by the Police after due investigation, against the 3rd respondent. Though the

respondent No.2 contended that there is contributory negligence on the part of the rider of the motorcycle, the Tribunal, considering the fact that the respondents have not chosen to file any documentary evidence in support of their case, answered issue No.1 in favour of the petitioner by holding that the petitioner could establish the nexus between the accident and the injuries received by him. Even in the considered opinion of this Court, as the 2nd respondent has not filed any supporting documents to deny the negligence on the part of the 3rd respondent and as the petitioner could establish the negligence on the part of the 3rd respondent by relying on Ex.A1 and A3, this Court is of the opinion that the Tribunal has rightly held that the petitioner sustained injuries in an accident that occurred due to the rash and negligent driving of the 3rd respondent; thus, the said finding need not be interfered.

11. Further, in order to establish his monthly income, the petitioner got marked Ex.A6 – pay slip pertaining to the relevant period, which discloses that he is paid Rs.18,726/- per month i.e., Rs.2,24,712/-. Further, the Tribunal has rightly assessed the age of the petitioner as 22 by relying on Ex.A2 – charge sheet and Ex.A7 – discharge summary. In the absence of any rebutting evidence with regard to the age of the petitioner, on mere assertion that the petitioner is aged about 25 years as on the date of accident by the respondent, this Court finds no mistake in considering the age of the petitioner as 22. The petitioner got examined P.W.2 – General Thoracic surgeon, CMC hospital, Vellore, who deposed in his evidence that the petitioner was admitted in the hospital on 04.04.2014; that he sustained injuries on either side of chest and that he was extubated after three days by performing surgery to left clavicle orif with AO-locking plate, on 21.04.2014; he admitted that Exs.A8, A12, A13 and A14 are all issued by the hospital authorities.

12. Furthermore, the petitioner got marked Ex.A10 – disability certificate dated 01.07.2016 issued by medical board of Rajiv Gandhi Institute of medical Sciences, Kadapa wherein, the medical board held that the due to the injuries sustained by the petitioner in the accident occurred on the fateful day, the petitioner's disability was assessed as 25%. However, merely on the ground that the doctor who issued Ex.A10 was not examined during the course of trial, the Tribunal, re-assessed the disability of the petitioner as 10%. Computing thus, the Tribunal calculated the annual loss of income due to disability of the petitioner as Rs.22,471/- [Rs.2,24,712/- X 10%]. As the petitioner was aged about 22 years which is between the age group 20 to 25 years, the relevant multiplier as per ***Sarla Verma v. Delhi Transport Corporation***[1] is '18'. Thus, the Tribunal awarded Rs.4,04,478/- [Rs.22,471/- X '18'] under the head of compensation for permanent disability.

13. This Court is of the considered opinion that the Tribunal ought not to have awarded meager compensation by reassessing the disability of the petitioner as 10% when a competent medical board has assessed the disability as 25% by way of Ex.A10. Under similar circumstances, the Hon'ble Apex Court in "***Prakash Chand Sharma Vs. Rambabu Saini***[2]" held that when disability certificate was issued by the Medical Board, the Tribunal cannot reassess the disability. Therefore, this Court is of the opinion that the claim petitioner has suffered 25% disability taking into consideration Ex.A.10 disability certificate.

14. Thus, considering the disability of the petitioner as 25% as assessed by the medical board of Rajiv Gandhi Institute of medical

[1] 2009 ACJ 1298
[2] 2025 Supreme (SC) 305

Sciences, Kadapa in the disability certificate (Ex.A10), the annual loss of income of the petitioner due to 25% disability would become Rs.56,178/- [Rs.2,24,712/- X 25%]. After applying the relevant multiplier '18', the compensation for the disability suffered by the petitioner would become Rs.10,11,204/- [Rs.56,178/- X '18'].

15. Furthermore, the petitioner got marked Exs.A12 – in-patient bill for Rs.90,864/-, Ex.A13 – pharmacy transaction for Rs.11,444/- and Ex.A14 – fee for physiotherapy and radiology for Rs.5,315/-. Thus, comprehensively, the Tribunal awarded Rs.96,179/- to the petitioner under the head of medical expenses, which need not be altered as the same is on substantial basis. Apart from the above, considering the injuries sustained by the petitioner, the Tribunal awarded Rs.10,000/- under the head of pain and suffering; Rs.10,000/- under the head of transport charges. As the petitioner would have had incurred expenditure for special diet, the Tribunal awarded Rs.5,000/- under the head of special diet and attendant charges. In total, the Tribunal awarded Rs.5,25,657/- [Rs.4,04,478/- + Rs.96,179/- + Rs.10,000/- + Rs.10,000/- + Rs.5,000/-].

16. Admittedly, the present appeal has been preferred by the Insurance company. However, Even though, it is the insurance company appeal, this Court can enhance the compensation even in the absence of cross-objections filed by the claim petitioner as per the decision of the Hon'ble Apex Court in "***Surekha Vs. Santosh***[3]. Thus, in view of the foregoing discussion, the petitioner is entitled for a compensation of Rs.11,32,383/- [Rs.10,11,204/- + Rs.96,179/- + Rs.10,000/- + Rs.10,000/- + Rs.5,000/-].

[3] SCC OnLine SC 1312

17. The compensation awarded by the Tribunal under different heads and the amounts enhanced by this Court, are as follows:

Sl. No.	Head of the claim	Compensation awarded by the Tribunal in Rs. Ps.	Amounts now awarded by this Court Rs. Ps.
1.	Compensation for permanent disability	4,04,478-00	10,11,204-00
2.	Medical Expenses	96,179-00	96,179-00
3.	Pain and suffering	10,000-00	10,000-00
4.	Transport charges	10,000-00	10,000-00
5.	Special diet and attendant charges	5,000-00	5,000-00
	Total	**Rs.5,25,657-00**	**Rs.11,32,383-00**

18. In the result, this Motor Accident Civil Miscellaneous Appeal is dismissed. However, the amount of compensation payable to the claim petitioner/respondent No.1 is enhanced from Rs.5,25,657/- to Rs.11,32,383/- along with interest @7.5% per annum, from the date of filing of the petition till the date of realization. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE V. SUJATHA

Date:29.10.2026.

Gss