APHC010669902012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3605]**
(Special Original Jurisdiction)

WEDNESDAY, THE 4th DAY OF NOVEMBER, 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No.1895/2012

Between:

1. PODUGU UMAMAHESHWARA RAO, S/O LATE APPA RAO R/O.OPP.5TH APSP QUARTER, CHINATALAVALASA [V], DENKADA MANDAL, VIZIANAGARAM DISTRICT.

...APPELLANT

AND

1. BANDARU SANYASI NAIDU, S/O.LATE PEDDINAIDU OCC: DRIVER OF CAR BEARING NO.AP 33 A 0777 R/O.DABAGARDENS, VISAKHAPATNAM.
2. K P K REDDY, S/O.LATE GOPAL REDDY OCC: OWNER OF CAR BEARING NO.AP 33 A 0777 R/O.D.NO.27-3-180, OFFICIAL COLONY, GAJUWAKA, VISAKHAPATNAM.
3. RELIANCE GENERAL INSURANCE COMPANY LIMITED, REP BY ITS DIVISIONAL MANAGER O/O.VISAKHAPATNAM.

...RESPONDENT(S)

Counsel for the Appellant:

1. G SAI NARAYANA RAO

Counsel for the Respondent(S):

1. N SRIHARI
2. .

The Court made the following JUDGMENT:

1. The Appeal is filed by the Claimant against the Award passed by the Motor Accident Claims Tribunal (District Judge), Vizianagaram, dated 22.03.2012 in M.O.P. No. 597 of 2008, seeking enhancement of the quantum of compensation.

I. CONTENTIONS:

2. The learned counsel for the Claimant submits that the Claimant was a fruit seller, he suffered injuries in the accident and he was an inpatient for a period of three (03) months in the hospital, and he suffered two (02) grievous injuries and two (02) simple injuries, and he suffered with 45% disability, but the Tribunal considered the disability as 25%. The Claimant was earning Rs.150/- per day, but the Tribunal considered Rs.75/- per day, and as such, the Claimant prayed to enhance the compensation.

3. None appeared for the Insurance Company/Respondent No.3. Learned counsel for the Owner/Respondent No. 2 was present and left the matter to the Court.

II. ANALYSIS:

4. The case of the Claimant is that on 30.08.2008, at about 9:30 p.m., when the Claimant, who was aged about 29 years, was walking on the left side of the road near the 5th APSP quarters, a car/AP/33/A0777 coming from Vizianagaram, driven by the Respondent No.1 in a rash and negligent

manner, dashed against the Claimant, and he fell down and sustained grievous injuries over the head, and both the bones of his left leg were fractured, and he also sustained other injuries all over the body. Immediately, he was taken to the District Headquarters Hospital, Vizianagaram, and referred to KGH, Visakhapatnam, where the doctor found a fracture of both bones of the left leg and other injuries all over the body, and conducted surgery and implanted plates. In this regard, a case in Cr.No.44 of 2008 was registered under Sections 337 and 338 IPC against the Respondent No.1 by the Station House Officer, Denkada Police Station. The Claim is filed for Rs.5,00,000/-.

5. The Respondent No.1/driver and Respondent No.2/owner pleaded that the accident took place due to negligence of the Claimant and he did not notice the Car, he suddenly fell down, disputed his income, that the Car is insured with the 3rd Respondent, who is liable to pay the compensation and pray to dismiss the Claim against them.

6. The Respondent No.3 pleaded that the Respondent No.1 did not possess a valid and effective driving licence. The 2nd Respondent consciously handed over the vehicle to him. That insurance company is not liable to pay the compensation. That the compensation claim is excessive.

7. As the case is not settled, the Tribunal framed the following issues :

i. Whether the accident was occurred resulting injuries to the Petitioner due to rash and negligent driving of the car bearing No.AP/33/A/0777 by its driver-R.1 ?

ii. Whether the petitioner is entitled for compensation? If so, what quantum and what is the liability of the respondents ?

iii. To what relief ?

8. The Tribunal examined the Claimant as P.W.1 and also examined P.W.2/Doctor and got exhibited A.1 to A.6 and X.1 to X.3, and the Respondents did not adduce any oral evidence, but exhibited B.1/Insurance Policy.

9. The Tribunal relied on the evidence of P.W.1 and also relied on Ex.A.1/FIR and Ex.A.3/Charge Sheet and recorded a finding that the Respondent No. 1 was responsible for the accident. The Tribunal also relied on the Case Sheets, Wound Certificate, X-ray, and on the evidence of P.W.2/Civil Surgeon, KGH, Visakhapatnam, who deposed that he found a fracture in both bones of the left leg and the Claimant was treated in the Neurosurgical Ward and was referred to the Orthopedic Ward. On 14.07.2008, external fixation was applied with clamps and rods and he was discharged on 20.08.2008. He also deposed that on 10.05.2010, the Claimant was admitted in the Hospital, X-rays were taken of his left leg, and it was found that there was mobility at the fracture site and the skin around the sinus was unhealthy. The X-rays showed an old injury of infected non-union of the left leg tibia, and scooping was done to the left leg and Illizaznor ring fixation was done to the infected non union of the left tibia, and the Claimant was discharged on 25.06.2010. Again, the Claimant was admitted on 13.12.2010, with an old injury of swelling of the left leg, and on 18.12.2010, Illizaznor fixation removal

was done and a POP casing was applied. The Tribunal in Paragraph No. 18 of its order observed that P.W.2 testified that he issued the Disability Certificate/Ex.A.5 and certified the disability of 45%, which is partial and permanent in nature, and that he cannot walk without the help of a walker and he cannot do hard work.

10. The Tribunal considered his income at Rs.75/- per day and monthly income at Rs.2,250/-. The Court considering evidence of PW.1 that he is doing fruit vending business, the relevant year of the accident and his age, inclined to take Rs.100/- per day against the claim of Rs.150/-. At the end of Paragraph No.18, the Tribunal held that "*it is to be accepted that the Petitioner suffered disability of 45% to his left leg*". But in Paragraph Nos.22 and 23, the Tribunal discussed that the Claimant can attend to his work with some difficulty and the injury is only to his left leg and P.W.1 also did not state that he lost his total income, and finally arrived the functional disability at 25%. This Court did not find any material to arrive different figure on the functional disability. At time of accident, Claimant was aged 29 years. As per the law laid down in **Hon'ble Constitutional Bench of Hon'ble Supreme Court of India** in ***"National Insurance Company Vs. Pranay Sethi***[1], the applicable multiplier is '17' but the Tribunal applied multiplier '18' which is incorrect. Hence multiplier '17' is applied. Thus loss of income comes to Rs.1,53,000/-(Rs.3,000 x 12 = Rs.36,000 x 17 x 25%).

[1](2017) 16 SCC 680

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

S.No.	Head of the claim	Compensation awarded by the Tribunal	Compensation enhanced by this Court	Remarks
1.	Pain and suffering	70,000/-	70,000/-	Maintained as per the Award
2.	Special diet and extra nourishment	10,000/-	10,000/-	Maintained as per the Award
3.	Transport charges	5,000/-	5,000/-	Maintained as per the Award
4.	Loss of income towards partial/ permanent disability	1,21,500/-	1,53,000/-	Enhanced as per ***Pranay Sethi*** i.e., Rs.3,000 x 12 = Rs.36,000 x 17 x 25%
	Total	**2,06,500/-**	**2,38,000/-**	

12. Thus, the Claimant is entitled to the compensation of Rs.2,38,000/- for the aforesaid reasons. The interest of 6% p.a ordered by the tribunal is modified to 7.5% pa.

13. Thus, the Award of the Tribunal is modified on quantum of compensation to the extent as indicated above.

III. CONCLUSION:-

14. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed with costs and fixed Advocate Fee of Rs.10,000/- payable to the Claimant, duly modifying the Award by enhancing the compensation from Rs.2,06,500/- to Rs.2,38,000/- as stated in the Table with interest at 7.5% per annum from the date of filing of the Petition till the date of realization.

As a sequel, pending miscellaneous Petitions, if any, pending, shall stand closed.

JUSTICE ALAPATI GIRIDHAR

Date: 04.11.2026
SRT/MMK/JKS

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No.1895/2012

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