

APHC010109442019



IN THE HIGH COURT OF ANDHRA

PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3505]

FRIDAY, THE 10th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO:
275/2019

Between:

1. THE DEPOT MANAGER, APSRTC, GOKAVARAM DEPOT, RAJAMUNDRY, EAST GODAVARI DISTRICT.
2. APSRTC, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR, PANDIT NEHRU BUS STAND, VIJAYAWADA

...APPELLANT(S)

AND

1. VADADI APPA RAO, S/O. GURU MURTHY, AGED ABOUT 64 YEARS, RESIDENT OF D.NO. 20-28-5, AVN COLLEGE ROAD, VISAKHAPATNAM
2. VAKADA SRINIVASA RAO, S/O. THATABBAI, AGED ABOUT 53 YEARS, RESIDENT OF GOKAVARAM NEAR POLICE STATION, E.G.DISTRICT, DRIVER OF APSRTC BUS BEARING NO. AP 29-E-Z-3717

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court pleased to allow the appeal by setting aside the Judgment and Decree passed by the Chairman, Motor Accidents Tribunal-cum-Special Sessions Judge for Trial of cases under SC and ST cases (POA) Act- cum- XI Addl. District Judge, Visakhapatnam passed in MVOP NO. 11 of 2017 dated 10-08-2018

IA NO: 1 OF 2019

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 to condone the delay of 47 days in filing the appeal against the Judgment and Decree passed by Chairman, Motor Accidents Tribunal-cum-special Sessions Judge for trial of Cases under SC and ST cases (POA) Act-cum-XI Additional District Judge, Visakhapatnam passed in MVOP No. 11/2017 dated 10-08-2018

IA NO: 2 OF 2019

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 to grant stay of execution of decree passed by the chairman, motor accidents tribunal cum special sessions judge for trial of cases under SC and ST cases (POA)Act-cum-XI Additional District Judge, Visakhapatnam passed in MVOP NO. 11 of 2017 dated 10-08-2018 pending disposal of the above MACMA No. /2019

Counsel for the Appellant(S):

1.K SRINIVASA PRASAD SC For APSRTC

Counsel for the Respondent(S):

1.

The Court made the following:

HON'BLE SRI JUSTICE T.C.D. SEKHAR

MACMA No.275 OF 2019

JUDGMENT:-

1. Questioning the quantum of compensation awarded by the Tribunal through its order dt.10.08.2018 in MVOP No.11 of 2017, on the file of Chairman Motor Accidents Claims Tribunal-cum-Special Sessions Judge for Trial of cases under SC & ST (POA) Act-cum-XI Additional District Judge, Visakhapatnam, the present appeal is preferred by APSRTC.

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

3. The claimant filed petition under Section 166 of Motor Vehicles Act, 1988 read with Rules made thereunder claiming compensation of Rs.5,00,000/- on account of injuries sustained by him in the accident that occurred on 18.11.2014 at Rama Talkies Centre, Visakhapatnam due to the rash and negligent driving of RTC bus bearing Registration No.AP29Z3717 driven by the 1st respondent.

4. It was the case of the petitioner that he was retired seaman. On 18.11.2014, while he was crossing the road, the 1st

respondent drove the bus in rash and negligent manner at highspeed without blowing horn and following the traffic rules, dashed the petitioner. As a result of which, the petitioner sustained grievous injuries and he was shifted to Prema Hospital, Visakhapatnam. Later he was admitted in Venkataramana Hospital, Visakhapatnam for better treatment, where he has spent huge amount towards medical bills etc., It was the specific case of the petitioner that he was earning salary of Rs.50,000/- per month as seaman. It was further case of the petitioner that in view of the injuries sustained by him, he was bedridden for two (02) years and he lost income. It was further stated that his wife and old aged parents were depending on him. A case in Crime No.200 of 2014 under Section 337 IPC was registered on 18.11.2014, on the file of Station House Officer, III Town Police Station, Visakhapatnam against the 1st respondent. Therefore, he approached the Tribunal by filing the above claim petition against the respondents.

5. The respondent Nos.2 & 3/appellants filed counter affidavit stating that there was no fault on the part of the 1st respondent/driver and the accident was occurred due to the negligence of the petitioner himself, inasmuch as while crossing

the road, the petitioner himself touched the bus on backside corner and fell down on the road. It was further stated that after noticing the incident through side mirror, immediately the petitioner was taken to hospital, by the 1st respondent.

6. It was further stated that the claim made by the petitioner was excessive and the petitioner is not entitled to receive compensation as there was no negligence on the part of the 1st respondent/driver. With the above pleadings, the respondents prayed to dismiss the claim petition.

7. In order to prove the case of the petitioner, he was examined as PW-1 and filed documents which are marked in Exs.A1 to A3. On the other hand, the 1st respondent/driver was examined as RW-1, however no documents were marked.

8. Considering the oral and documentary evidence put forth by the parties, the Tribunal by order under challenge allowed the claim petition by awarding compensation of Rs.1,55,000/- together with interest @ 7.5% per annum from the date of petition till the date of deposit. Aggrieved by the same, the present appeal is preferred by APSRTC.

9. Heard Sri K. Srinivasa Prasad, learned Standing Counsel appearing for the appellant. Despite, service of notice, there is no appearance for Respondent Nos.1 & 2. As the matter is pending adjudication since 2019, the same is taken for hearing.

10. Perused material available on record.

11. The counsel for the appellants would strenuously contend that the accident was occurred due to the negligence of the claimant himself inasmuch as the petitioner had not taken enough care and caution while crossing the road. In order to substantiate the same, the driver of the bus was cross examined as RW-1. A perusal of the evidence of RW-1 would go to show that he deposed in tune with the averments made in the counter affidavit. In such circumstances, the evidence of PW-1 cannot be believed and the same is not helpful to prove the case of the appellant.

12. Excepting the evidence of RW-1, the respondents/appellants have not placed anything on the record, to substantiate its contention. On the other hand, the petitioner has marked copy of charge sheet, which was filed against the driver of the RTC bus. A perusal of the contents of Ex.A2 would

shows that the 1st respondent/driver was responsible for the occurrence of accident inasmuch as he drove the bus without following the traffic rules. Further, the factum of filing of charge against the 1st respondent was admitted by him in his cross-examination. By appreciating the evidence on record, the Tribunal had rightly come to the conclusion that the accident was occurred due to the negligence of 1st respondent/driver. In such circumstances, the finding recorded by the Tribunal does not warrant interference by this Court and accordingly, the contention of the counsel for the appellant in this regard is liable to be rejected.

13. The counsel for the appellant also contends that the compensation awarded by the Tribunal was excessive, inasmuch as the petitioner sustained simple injuries and nothing is placed on record to show that he was entitled to receive the compensation as awarded by the Tribunal. To prove, the said contention, the counsel for the appellant would rely on the averments made in the counter affidavit. Except the counter affidavit, nothing is there on record to substantiate the said contention. On the contrary, the petitioner had filed copies of wound certificate, which was marked as Ex.A1 and apart from the

same, he has also filed bunch of medical bills (40) before the Tribunal, so as to establish that he has suffered fracture and head injury. Further a perusal of the bunch of medical bills submitted by the petitioner would show that he has spent considerable amount towards treatment and medicine. Further, the petitioner also deposed relying on Ex.A1 and A3. Though, the petitioner was cross examined at length, nothing was elicited to disprove his evidence. Having appreciated the case of the petitioner in its entirety, the Tribunal by order impugned allowed the claim compensation by awarding compensation of Rs.1,55,000/- together with interest @ 7.5% per annum from the date of petitioner till the date of deposit. Though, the counsel for the appellant contended that the compensation awarded by the Tribunal was excessive, this Court does not find force in the contention of the counsel for the appellant, inasmuch as the Tribunal having considered the case, had rightly awarded just compensation to the petitioner.

14. In such circumstances, viewed from any angle there are no merits in the appeal, accordingly the same is dismissed.

There shall be no order as to costs. As a sequel, all pending miscellaneous petitions, if any, shall stand closed.

JUSTICE T.C.D.SEKHAR

10.07.2026
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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MACMA No.275 of 2019
Date: 10.07.2026

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