

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY ,THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 303 OF 2019

Between:

Andhra Pradesh State Road Transport Corporation, Rep. by its
Managing Director, Holding Office at RTC Cross Roads, Musheerabad,
Hyderabad Present at Pandit Nehru Bus Station, Vijayawada,
Amaravathi, Andhra Pradesh.

...APPELLANT/RESPONDENT

AND

M.Satya Babu @ Sathyanarayana, S/o. Appa Rao, Hindu, Aged about
30 years, R/at. D. No- 10-200/A, Jeevakona, Tirupati, Chittoor District.

...RESPONDENT/CLAIMANT

Appeal filed under Section 173 of M.V Act, aggrieved by the Judgment and
Decree dated 18.05.2018 in M.V.O.P. No. 95/2013 on the file of the
Chairman, Motor Accidents Claims Tribunal - Cum - VI Additional District
Judge (FTC), Tirupati

This appeal coming on for hearing and upon perusing the grounds of
appeal, the Order and Decree of the Trial Court and material papers in the
petition and upon hearing arguments of Sri Aravala Ramarao, SC for the
Appellant and Sri Ch. Venkat Raman, Advocate for Respondent.

This Court doth Order and decree as follows:

1. That the MACMA be and hereby is dismissed.
2. That there shall be no order as to Costs in this MACMA.

**SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal - Cum - VI
Additional District Judge (FTC), Tirupati
2. Two CD Copies

HIGH COURT

DATED:05/05/2025

DECREE

MACMA.No.303 of 2019



**DISMISSING THE MACMA
WITHOUT COTS**



IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MONDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 303 OF 2019

Appeal filed under Section 173 of M.V Act, aggrieved by the Judgment and Decree dated 18.05.2018 in M.V.O.P. No. 95/2013 on the file of the Chairman, Motor Accidents Claims Tribunal - Cum - VI Additional District Judge (FTC), Tirupati

Between:

Andhra Pradesh State Road Transport Corporation, Rep. by its Managing Director, Holding Office at RTC Cross Roads, Musheerabad, Hyderabad Present at Pandit Nehru Bus Station, Vijayawada, Amaravathi, Andhra Pradesh.

...APPELLANT/RESPONDENT

AND

M.Satya Babu @ Sathyanarayana, S/o. Appa Rao, Hindu, Aged about 30 years, R/at. D. No- 10-200/A, Jeevakona, Tirupati, Chittoor District.

...RESPONDENT/CLAIMANT

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 stay of all further proceedings including the execution proceedings in M.V.O.P. NO.95/2013 on the file of the Chairman, Motor Accidents Claims Tribunal - Cum - VI Addl. District Judge (FTC), Tirupathi, Chittoor District.

**Counsel for the Appellant: SRI. ARAVALA RAMA RAO(SC FOR APSRTC
KKAC)**

Counsel for the Respondents: SRI CH VENKAT RAMAN

The Court made the following JUDGMENT:

APHC010111942019



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

[3333]

MONDAY ,THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 303/2019

Between:

Ap. State Road Transport Corporation

...APPELLANT

AND

M Satya Babu

...RESPONDENT

Counsel for the Appellant:

1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent:

1.CH VENKAT RAMAN

The Court made the following:

JUDGMENT:-

This appeal under Section 173 of the Motor Vehicles Act 1988, (in short 'M.V.Act'), has been filed by the appellant/Andhra Pradesh State Road Transport Corporation, challenging the Award, dated 18.05.2018, passed in M.V.O.P.No.95 of 2013 by the Chairman, Motor Accident Claims Tribunal-cum-VI Additional District Judge (Fast Track Court), Tirupati (in short 'the Tribunal) wherein the Tribunal has awarded an amount of Rs.4,64,785/- as against the claim of Rs.5,00,000/- for the injuries sustained by the respondent/claimant in a road accident that occurred on 20.02.2011.

2. For the sake of convenience, the parties are referred to as they are arrayed before the Tribunal. The appellant herein is the respondent and the respondent herein is the claimant, before the Tribunal.

3. The claimant filed the claim petition before the tribunal seeking compensation of Rs.5,00,000/- from the respondent corporation for the injuries sustained by him in a road accident that occurred on 20.02.2011 at 11.30 p.m., near link bus stand, on Kapiltheertham – Alipiri by-pass road. On 20.02.2011, at about 11.30 p.m., while the petitioner was going on his motor bike bearing No.AP 35-A-5835, one J. Ameer, driver of the bus bearing No.AP 28-Z-3764 belonging to the respondent corporation, in a rash and negligent manner, dashed the petitioner near link bus stand on Kapiltheertham – Alipiri by-pass road, due to which the petitioner fell down and sustained crush injury to his right thigh and fracture to his shoulder. Immediately, the petitioner was shifted to SVRRGG hospital, Tirupati for treatment; after undergoing treatment for one day, on advice, he was shifted to Ramadevi Multi super specialty hospital, Tirupati where he underwent treatment for one day and then, the petitioner was shifted to Narayana General hospital, Nellore. In the said hospital, he has

undergone treatment for three months and underwent five surgeries besides a plastic surgery to his right leg. On the basis of a written complaint, the Station House Officer, Traffic Police Station, Tirupati registered a case in Crime No.16 of 2011 under Sections 337, 338 and 279 IPC and 134 (a) of M.V. Act.

4. The respondent corporation has filed a written statement denying the averments of the claim petition, the manner of the accident, the validity of the driving license of the petitioner. It is further contended that the petitioner was put to strict proof of the averments in the petition. The driver of the bus was driving slowly by taking all precautions. The petitioner/claimant came in a rash and negligent manner and in drunken state, without observing the bus, lost control over the motorcycle and fell down on the road. The accident occurred due to rash and negligent driving of the petitioner/claimant and there was no negligence on the part of the driver of the offending vehicle.

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

1) *Whether the Petitioner viz., M. Sathyababu @Satyanarayana sustained injuries in the motor vehicle accident that, took place on 20-02-2011 due to rash and negligent driving of driver of APSRTC bus bearing No.AP28/X 3764 as pleaded by Petitioner?*

2) *Whether the petitioner is entitled for the compensation amount? If so, what is quantum of compensation amount and against whom?*

3) *To what relief?*

6. During the course of trial, in support of his case, the petitioner himself was examined as P.W.1, the doctor named Biju Raveendran was examined as P.W.2 and Exs.A1 to A8 were marked. On behalf of the respondent corporation, R.W.1 – driver of the bus was examined.

7. The Tribunal, duly considering Ex.A.1 – Certified copy of FIR and Ex.A.2 – certified copy of charge sheet proving the involvement of R.W.1 – driver of the offending vehicle and as well as on the ground that basing on the statement of P.W.1, a case has been registered against R.W.1 for the offence under Section 337 and 279 IPC and after due investigation, the S.I. of Police Station has filed a charge sheet as in Ex.A.2 against R.W.1 for the offence punishable under Section 338 and 279 IPC and Section 134(a) of APMV Act, *prima facie*, the Tribunal has come to a finding that the accident occurred due to the rash and negligent driving of R.W.1 at the relevant point of time. Though the respondents took a plea that the petitioner was not having a valid driving license to drive the motor bike as on the date of accident, the Tribunal, duly considering Ex.A.5 – driving license of the petitioner, has decided the issue No.1 in favour of the petitioner holding that the accident occurred due to negligent driving of R.W.1.

8. The Tribunal, considering Ex.A.4 – medical bills, has awarded an amount of Rs.25,345/- to the petitioner as compensation. Placing reliance on the material available before it and basing on the evidence adduced by the doctor who treated the petitioner (P.W.2), the Tribunal granted Rs.35,000/- to the petitioner as compensation towards grievous injury and Rs.5,000/- was awarded towards simple injury i.e. pain caused in the accident. As the petitioner underwent treatment as in-patient in Narayana General Hospital, Nellore for about three months, Rs.20,000/- was awarded towards pain and sufferance. Fixing the income of the petitioner as Rs.3,000/- per month and as the petitioner was aged about 23 years at the relevant point of time, multiplier '17' was applied. Taking the annual income of the petitioner as Rs.36,000/- with 62% of permanent

disability followed by '17' multiplier, Rs.3,79,440/- was awarded to the petitioner towards his loss of future earnings. In total, the Tribunal has awarded an amount of Rs.4,64,785/- to the petitioner. Challenging which, the respondent corporation has filed the present appeal.

9. Heard Mr. Aravala Rama Rao, learned Standing Counsel for the appellant/respondent and Sri. Ch. Venkata Ramana, learned counsel for the respondent/claimant.

10. During the course of hearing, learned counsel for the appellant contends that the Tribunal below ought to have apportioned the contributory negligence equally on the part of petitioner as well, as the incident occurred due to negligence on the part of both the driver of the bus and as well as the petitioner herein. As the compensation awarded by the Tribunal is excessive, he prays to allow the appeal filed by the appellant/respondent corporation by setting aside the award passed by the Tribunal.

11. In contra, learned counsel appearing for the respondent/claimant argues that as the petitioner was able to prove that the accident has occurred due to the negligence of the bus driver and as he was able to produce all the relevant documents and bills in support of his case, the Tribunal has rightly awarded the compensation to the petitioner. Hence prayed to dismiss the appeal, by confirming the award passed by the Tribunal.

12. Now, this Court has to see as to whether the award of the Tribunal, awarding compensation of Rs.4,64,785/- is on reasonable basis.

13. The Tribunal, after perusing the oral evidence of the petitioner and P.W.2 –doctor, and documentary evidence i.e. Exs.A1 to A8, gave finding that the accident occurred only due to rash and negligent driving of the driver of the offending vehicle/bus. As such the question of contributory negligence on the part of the petitioner does not arise. Furthermore, the appellant/respondent corporation has not produced any documentary evidence denying the compensation claimed by the petitioner. Considering that aspect, the Tribunal gave finding that the petitioner is entitled for the aforesaid compensation.

14. Now coming to the quantum awarded by the Tribunal, the Tribunal below fixed the income of the petitioner as Rs.100/- per month though the petitioner claimed to have been earning Rs.500/- per day from the carpentry work and assessed his monthly income as Rs.3,000/- i.e. Rs.36,000/- per annum [Rs.3,000/- X 12]. As the percentage of permanent disability of the petitioner was assessed by the doctors as 62% which was supported by the evidence of P.W.2 and as well as Ex.A.7 and as the petitioner was aged about 23 years as on the date of incident, the Tribunal has computed the compensation towards loss of his future earnings as Rs.3,79,440/- [Rs.36,000/- X '17' X 62%]. In addition, the Tribunal also awarded Rs.25,345/- towards the medical expenses incurred by the petitioner basing on Ex.A.4. Further, Rs.35,000/- was awarded to the petitioner towards grievous injury and Rs.5,000/- towards simple injury. The Tribunal also awarded Rs.20,000/- as compensation towards pain and sufferance. In total, the petitioner was awarded an amount of Rs.4,64,785/- as against the claim of Rs.5,00,000/-. This Court finds no wrong on the part of the Tribunal in awarding the aforesaid amount as it is just and reasonable.

15. As already pointed out, the accident occurred was due to rash and negligent driving of the driver of the offending vehicle/bus. Having regard to the above, this Court is of the considered opinion that the amount of Rs.4,64,785/- awarded by the Tribunal was on reasonable basis and is sustainable under law, which needs no interference.

16. In the result, the Motor Accident Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

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

**SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal - Cum - VI Additional District Judge (FTC), Tirupati
2. One CC to SRI. ARAVALA RAMA RAO(SC FOR APSRTC KKAC) Advocate [OPUC]
3. One CC to SRI. CH VENKAT RAMAN Advocate [OPUC]
4. Two CD Copies

HIGH COURT

DATED:05/05/2025

JUDGMENT + DECREE

MACMA.No.303 of 2019



**DISMISSING THE MACMA
WITHOUT COTS**