

APHC010136002014



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

[3605]

FRIDAY, THE 14th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1213/2014

Between:

1.S. MUSTAFA, S/O. S. KHASEEM@ KHASEEMPEERA HAMALI R/O.
D.NO. 19-1-74, VINAYAKA NAGAR, ANANTAPUR DISTRICT.

...APPELLANT

AND

1.N JANARDHANREDDY MAJOR, S/O. N. LAKSHMIREDDY OWNER OF
THE TRACTOR TAILOR NO. AP-02-U-7373 AND AP-02-U7374 R/O.
DHARMAVARAM.

2.THE NEW INDIA INSURANCE COMPANY LIMITED, REPRESENTED BY
ITS DIVISIONAL MANAGER ANANTAPUR DISTRICT.

...RESPONDENT(S):

Counsel for the Appellant:

1.G R SUDHAKAR

Counsel for the Respondent(S):

1.PEERAMSETTY VENKATA RAMANA

2.V VENKATARAMI REDDY

3.

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**M.A.C.M.A.No.1213 of 2014****The Court made the following JUDGMENT:**

1. The Appeal is filed by the Claimant against the Award passed by the Motor Accidents Claims Tribunal-cum-V Additional District Judge(FTC), Anantapur dated 18.07.2008 in O.P. No.159 of 2006, seeking enhancement of compensation. Whereby the Tribunal awarded compensation to the Claimant. The grievance of the Appellant is confined to the quantum of compensation awarded by the Tribunal, and therefore, the present appeal is preferred seeking enhancement of the compensation.

2. The learned counsel for the Appellant submits that the claim petition was filed seeking compensation of Rs.4,00,000/- but the Tribunal awarded compensation of Rs.1,06,040/-, which, according to the learned counsel, is very meager without regard to his income, the nature of the injuries sustained by the Claimant, the disability suffered by him, and also the treatment expenses. The learned counsel submits that the Claimant claimed wages at Rs.150/- per day but the Tribunal considered only Rs.70/- per day. As per the disability certificate/Ex.A7, the Claimant sustained ten injuries, injuries Nos.2 and 10 were grievous and the remaining injuries were simple. The Tribunal assessed the disability at 18% though the Certificate is issued for 40% and the Doctor/PW.5

also stated the same and the disability is not properly assessed by the Tribunal and finally sought to consider all these and enhance the compensation.

None appeared for the Insurance Company.

I. ANALYSIS:-

3. The case of the Claimant is that on 11.10.2005, the Claimant, along with another person and other hamalies, was travelling in a Tractor-Trailor/AP 02 U 7373 and 7374, while proceeding towards Anantapur, near Lakshminagar, the driver of the Tractor-Trailor drove the vehicle in a rash and negligent manner and it overturned, the Claimant sustained multiple injuries and he was shifted to the Government Hospital, Anantapur, where he was initially treated for the injuries. Thereafter, the Claimant was shifted to St. John's Medical College Hospital, Bengaluru, where he underwent treatment as an inpatient for a period of 20 days. In this connection, Crime No.62 of 2005 was registered under Section 337 of the Indian Penal Code by Anantapur Traffic Police Station.

4. The Claimant claimed monthly wage of Rs.4,500/- in the claim petition, whereas the Counsel in the arguments relied on minimum wages at Rs.120/- per day issued by the District Collector in proceedings dated 08.03.2006 and sought to consider by the Tribunal that the Claimant was a hamali, may be worked for 26 days and at Rs.3,000/- per month. However, the Tribunal considered at Rs.70/- per day. This Court, considering the minimum wages and

submission before the Tribunal inclined to consider Rs.3,000/- per month. The Tribunal arrived the Claimant's age at 40 years and applied a multiplier of 15.

5. The Tribunal recorded that though the disability certificate mentions 40% disability, it did not state whether the same is temporary or permanent. The Tribunal also recorded that PW.2, PW.3 and PW.4, who treated him, did not say any disability. However, the Tribunal considered disability at 18%. The Court also posed a query, what is the permanent disability suffered by the Claimant and what is the impediment for him, to examine and consider the case for the Claimant, but the counsel could not specifically say the disability or draw the attention of the Court on the material. Thus, this Court could not consider the case of the Claimant for disability at 40% as no material could be demonstrated.

6. Thus, the enhanced wage of Rs.3,000/- per month be computed accordingly with disability of 18%, with multiplier 15, which comes to Rs.97,200/- (Rs.3,000/- x 12 months, taking 18% amount towards disability, multiplied with 15). The interest as awarded by the Tribunal at 7.5% per annum is not interfered.

S. No.	Head of the claim	Compensation claimed in the petition	Compensation awarded by the Tribunal	Compensation enhanced by this Court	Remarks
1.	Loss of earnings	3,00,000/-	68,040/-	97,200/-	Enhanced income at Rs.3,000/- p.m.
2.	Permanent Disability	50,000/-	Nil	Nil	

					in place of Rs.2,100/- per month awarded by the Tribunal.
3.	Transport Charges	2,00,000/-	2,000/-	2,000/-	Tribunal order not interfered.
4.	Medical expenses		18,000/-	18,000/-	Tribunal order not interfered.
5.	Extra Nourishment charges		4,000/-	4,000/-	Tribunal order not interfered.
6.	Attendant charges		2,000/-	2,000/-	Tribunal order not interfered.
7.	Pain and suffering charges	50,000/-	6,000/-	6,000/-	Tribunal order not interfered.
8.	Mental agony		6,000/-	6,000/-	Tribunal order not interfered.
	Total	6,00,000/-	1,06,040/-	1,35,200/-	

II. CONCLUSION:-

In the result, the appeal is allowed in part. The compensation awarded by the Tribunal at Rs.1,06,040/- is enhanced to Rs.1,35,200/- with interest at 7.5% per annum as ordered by the Tribunal.

JUSTICE ALAPATI GIRIDHAR

Dated:14.08.2026

CHD

THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No.1213 of 2014

Date: 14th August, 2026

CHD