



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

[3505]

THURSDAY, THE THIRTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 464/2019

Between:

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,
REPRESENTED BY ITS DIVISIONAL MANAGER, BUS STATION
COMPLEX, VIJAYAWADA.

...APPELLANT

AND

1. GEDALA NAGABUSHANAM, S/O. GUNNA BABU, AGED ABOUT 30
YEARS, RAMANJANEYA COLONY, PAMARRU VILLAGE AND
MANDAL, KRISHNA DISTRICT.

2. N SRI RAMA CHANDRA MURTHY, S/O. KOTESWARA RAO, AGED
ABOUT 30 YEARS, DRIVER OF APSRTC, (CRIME VEHICLE), AP 28
Z 5450, TARAKATURUPALEM VILLAGE, GUDURU MANDAL,
KRISHNA DISTRICT.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court Memorandum
of Civil Miscellaneous Appeal to this Hon'ble Court against the Judgment and
Decree dated 26-10-2018 passed in M.V.O.P.No.85 of 2014 on the file of the
Court of the Motor Accident Claims Tribunal-cum-XI Additional District Judge,
Krishna at Gudivada

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 10 days in filing the Appeal against the Order and

Decree dated 26-10-2018 passed in M.V.O.P.No.85 of 2014 on the file of the Court of the Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna at Gudivada and pass

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 all further proceedings pursuant to the Judgment and Decree dated 26-10-2018 passed in M.V.O.P.No.85 of 2014 on the file of the Court of the Motor Accident Claims Tribunal-cum-XI Additional District Judge, Krishna at Gudivada including the execution proceedings, pending disposal of the above M.A.C.M.A and pass

Counsel for the Appellant:

1.P DURGA PRASAD SC FOR APSRTC

Counsel for the Respondent(S):

1.S MURALI MOHAN

The Court made the following:

JUDGMENT:-

The present appeal is filed by the appellant/Andhra Pradesh State Road Transport Corporation, aggrieved by the judgment and decree dated 26.10.2018 passed in M.V.O.P. No.85 of 2014 on the file of the Motor Accidents Claims Tribunal-cum-XI Additional District Judge, Krishna at Gudivada, as the compensation awarded by the Tribunal was excessive.

2. For the sake of convenience, the parties are referred to as they were referred in the claim petition.

3. The petitioner filed a petition under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.2,00,000/- on account of the injuries sustained by him in the accident in which the offending bus bearing registration No. AP-28-Z-5450 was involved.

4. The facts leading to the case on hand are as follows:

5. It is the case of the petitioner that he boarded auto bearing registration No. AP-16-TD-7614. When it reached near Jujjavaram Centre, the offending bus came in the opposite direction in rash and negligent manner at high speed and dashed against the auto. As a result, the petitioner sustained fracture injuries on his head, left side of the eye, and other parts of the body. He was shifted to Government Headquarters Hospital, Machilipatnam, for treatment and later shifted to Sentini Hospital, Vijayawada, where he underwent

treatment as an inpatient for a period of thirty (30) days. It was further stated that even after discharge, he was unable to attend his day-to-day activities.

6. A case in Crime No.28 of 2014 was registered against the driver of the bus under Section 337 IPC, and after investigation, charge sheet was filed. It is further the case of the petitioner that he was working as a salesman in a fast food centre at Pamarru, and his wife and two children are depending on him. Due to the injuries sustained, he was unable to attend his work and, therefore, sought compensation of Rs.2,00,000/-.

7. The claim was resisted by the 2nd respondent-Corporation contending that the compensation claimed was excessive. It was further contended that the petitioner did not follow traffic rules. It was further contended that, in such circumstances, it is not liable to pay any compensation as claimed.

8. To substantiate his case, the petitioner was examined as P.W.1 and filed copies of the F.I.R., charge sheet, and wound certificate, which were marked as Exs.A1 to A3. On the other hand, the driver of the offending bus was examined as R.W.1, and no documentary evidence was produced on behalf of the respondents.

9. Considering the oral and documentary evidence put forth by the parties, the Tribunal, by the order under challenge, awarded an amount of Rs.86,000/- together with interest @ 7.5% per annum from the date of filing of the petition till the date of deposit. Aggrieved by the compensation awarded by the Tribunal, the present appeal is preferred by the A.P.S.R.T.C.

10. Heard Sri P. Durga Prasad, learned Standing Counsel for the appellant, and Sri S. Murali Mohan, learned counsel appearing for the respondents/claimants.

11. Perused the record.

12. The learned counsel for the appellant contended that the accident occurred due to the negligence of both the driver of the offending bus and the driver of the auto, and therefore, there was contributory negligence on the part of the driver of the auto. In order to substantiate the said contention, R.W.1 was examined. A perusal of the evidence of R.W.1 shows that he has deposed in tune with the averments made in the counter affidavit. On the contrary, the petitioner filed copies of the F.I.R. and charge sheet, which were marked as Exs.A1 and A2. A perusal of the contents of the said documents reveal that the accident occurred due to the negligence of the driver of the offending bus. In the absence of any contra evidence on behalf of the respondent-Corporation, this Court is not inclined to interfere with the finding of the Tribunal. Further, there is no merit in the contention of the learned counsel for the appellant with regard to contributory negligence on the part of the driver of the auto.

13. Coming to the quantum of compensation awarded by the Tribunal, it is apparent from the record that the petitioner sustained the following external injuries:

1. A laceration measuring 3 x 2 x ½ cm over the parietal region;

2. A laceration measuring 3 x ½ cm over the bridge of the nose.

14. In support of the same, the petitioner filed the wound certificate, which was marked as Ex.A3. A perusal of the same shows that the injuries sustained by the petitioner are grievous in nature. Further, P.W.1 deposed that he sustained injuries on his head and nose and underwent treatment at Sentini Hospital, Vijayawada, for a period of thirty (30) days. The said evidence remained un-shattered. In such circumstances, it cannot be said that the compensation awarded by the Tribunal is excessive. A perusal of the order under challenge clearly shows that the Tribunal, after taking into consideration the facts of the case, rightly awarded just compensation.

15. For the reasons recorded supra, this Court does not find any reason to interfere with the findings of the Tribunal, and there are no merits in the present appeal.

16. Accordingly, the Motor Accident Civil Miscellaneous Appeal 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

Dt: 30.04.2026
PNS