



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

[3333]

MONDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 212/2023

Between:

1.ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION(APSRTC), REP. BY ITS MANAGING DIRECTOR, BUS BHAVAN, MUSHEERABAD, HYDERABAD, REP. BY ITS DEPOT MANAGER MANAGER, DHARMAVARAM, (OWNER OF APSRTC BUS BEARING NO.AP29Z 730).

...APPELLANT

AND

1.BELLA PEDAIHAH, S/O B.NAGABHUSHANA, HINDU, AGED 18 YEARS, STUDENT, D.NO.4-157 BC COLONY EKAPADAMPALLI VILLAGE, TADIMARRI MANDAL, ANANTHAPURAM DISTRICT.

2.D PAMPAPATHI, SO LATE D. NEELAKANTAPPA, HINDU, MAJOR, WORKING AS DRIVER IN RTC DEPOT, DHARMAVARAM, RESIDING AT D.NO. 10-5-244, RANGA STREET, URAVAKONDA, ANANTHAPURAM DISTRICT. (DRIVER OF APSRTC BUS BEARING NO. AP29Z 730) (2ND RESPONDENT IS NOT A NECESSARY PARTY)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to allow the appeal by setting aside the Judgment and decree passed by the order and decree dated 30/01/2023 passed in MVOP No. 117 of 2016 On the file of the Motor Vehicle Accidents Climes Tribunal Cum Principal District Judge, Ananthapuramu to pass

IA NO: 1 OF 2023

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 operation of Decree and Award dated 30/01/2023 passed in M.V.O.P No. 117 of 2016 on the file of Motor Vehicle Accidents Claims Tribunal Cum Principal District Judge, Anantapuramu and pass

IA NO: 2 OF 2023

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 vacate the interim order dated 12-05-2023 in IA.No. 1/2023 in MACMA No.212 of 2023 and pass

Counsel for the Appellant:

- 1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

- 1.HARISH KUMAR RASINENI

The Court made the following:

JUDGMENT:

This appeal is filed by the appellant/APSRTC challenging the order and decree dated 30.01.2023 passed in M.V.O.P.No.117 of 2016 by the Motor Vehicle Accidents Claims Tribunal-cum-Principal District Judge, Ananthapuramu, wherein the Tribunal awarded compensation of Rs.5,82,000/- (Rupees Five Lakhs Eighty Two Thousand only) to respondent No.1 herein/petitioner, for the injuries sustained in a motor vehicle accident that occurred on 18.10.2014.

02. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

03. The case of the petitioner, in brief, as follows:

a) On 18.10.2014 at about 2.00 p.m., while he was proceeding on a Passion Pro Motorcycle bearing No.AP02-AV-6739 from his village to his grandparents' village Velpumadugu, and when he reached near Potlamarri Village on Bathalapalli–Dharmavaram road, an APSRTC bus bearing No.AP29-Z-730 came from the opposite direction, allegedly driven in a rash and negligent manner at high speed, and dashed against the motorcycle. As a result, the petitioner fell down and sustained grievous head injury and other injuries. He was initially shifted to RDT Hospital, Bathalapalli, and thereafter to Government General Hospital, Ananthapuramu, and later to GGH, Kurnool for

better treatment. Thereafter, a case in Crime No.155 of 2014 was registered under Section 338 IPC against the driver of the bus.

b) It is contended that the petitioner was aged about 18 years at the time of accident and was studying Intermediate in Government Junior College, Narpala. He was hospitalized for about three months and incurred medical and other expenses. It is further stated that due to the accident, he suffered permanent disability and is unable to discharge his day-to-day activities and continue his studies.

04. Before the Tribunal, the 1st respondent/driver of the APSRTC bus remained ex parte.

05. The 2nd respondent/APSRTC filed a counter denying the allegations of rash and negligent driving on the part of the bus driver. It was contended that the bus was being driven slowly and cautiously, whereas the petitioner, riding the motorcycle in a rash and negligent manner and at high speed, without observing road traffic, attempted to avoid buffaloes and hit the bus on its left front side, resulting in the accident. It was also contended that the petitioner was not having a valid driving licence and that the claim was excessive and not supported by evidence.

06. Based on the pleadings, the Tribunal framed the following issues for trial:

“1. Whether the accident occurred on 18.10.2014 at about 2.00 p.m., near Velpumadugu village, Bathalapalli Mandal, Ananthapuramu District occurred due to the rash and negligent driving of bus bearing No.AP39-Z-730?

2. Whether the Petitioner is sustained injuries in the said accident?

3. Whether the petitioner has become permanently disabled because of the said injuries?

4. Whether the bus bearing No.AP29-Z-730 is owned by the second respondent whether the first respondent is in the employment of the second respondent?

5. Whether the petitioner is entitled for compensation? If so, what is the quantum of compensation and from which of the respondents?

6. To what relief?”

07. On behalf of the petitioner, he examined himself as P.W.1 and also examined P.W.2 and P.W.3 doctors, Exs.A1 to A7 and Ex.C1 were marked. On behalf of the respondents, R.W.1 was examined and Ex.B1 was marked.

08. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal partly allowed the claim petition, is as follows:

“In the result, the petition is allowed with costs awarding compensation of Rs.5,82,000/- against the respondents 1 and 2 with subsequent interest at 9% per annum from the date of filing of the petition till the date of realization.

(i) Out of the total compensation amount of Rs.5,82,000/- the petitioner is permitted to withdraw an amount of Rs.3,00,000/- forthwith with costs and interest and his remaining amount of Rs.2,82,000/- shall be deposited in any Nationalized Bank for a period of three years.

(ii) Both the respondents are liable, however, second respondent is liable being the owner of the crime vehicle and employer of first respondent. The Respondent Nos.1 and 2 shall pay the said compensation amount Rs.5,82,000/- with ONE MONTH from the date of this order.

(iii) The rest of the claim of the petitioner was dismissed without costs.

(iv) Advocate fee is fixed at Rs.2,000/- (Rupees Two Thousand only).

09. Aggrieved by the said award, the APSRTC preferred this appeal on the ground that the Tribunal failed to appreciate the fact that the accident occurred solely due to the negligence of the injured, who drove the motorcycle bearing No. AP02-AV-6739 at high speed and in a rash and negligent manner, without observing other road users. It is further contended that, in order to avoid buffaloes, he dashed against the front left side of the bus and fell down, sustaining simple injuries, along with other grounds.

10. On the other hand, learned counsel for the petitioner/respondent No.1 herein has supported the impugned award and prayed to dismiss the appeal.

11. Heard Mr.Aravala Rama Rao, learned Standing Counsel for APSRTC and Mr.Harish Kumar Rasineni, learned counsel for the 1st respondent herein.

12. Now the point for consideration is:

Whether the order of the Tribunal needs any interference?

POINT:

13. On a perusal of the award passed by the Tribunal, it can be observed that the petitioner was examined as P.W.1 and, in support of his case, got marked Exs.A1 to A7. P.W.1 deposed with regard to the nature of the accident and stated that on 18.10.2014 at about 2.00 p.m., while he was proceeding on a Passion Pro motorcycle bearing No. AP02-AV-6739 from his village to his

grandparents' village, Velpumadugu, and when he reached near Potlamarri village on the Bathalapalli–Dharmavaram road, the crime vehicle i.e., APSRTC bus bearing No. AP29-Z-730 came from the opposite direction, driven by its driver (the 1st respondent) in a rash and negligent manner at high speed, and dashed against his motorcycle. Due to which, the petitioner fell down and sustained grievous head injury and other injuries. He was immediately shifted to RDT Hospital, Bathalapalli for treatment and, on the advice of doctors, later shifted to the Government General Hospital, Ananthapuramu, and thereafter to the GGH, Kurnool for better treatment. The Tribunal, considering the evidence of P.W.1 coupled with Ex.A1/copy of FIR and Ex.A2/copy of charge sheet, which clearly show the involvement of the offending bus bearing No. AP29-Z-730 and that the 1st respondent was shown as the accused in the said case, answered Issue No.1 in favour of the petitioner, holding that respondents No.1 and 2 are jointly and severally liable to pay compensation to the petitioner.

14. Now coming to the quantum of compensation, as per Ex.A2 charge sheet, the age of the petitioner is 22 years as on the date of the accident and he was studying Intermediate. The Tribunal considered the average income of the petitioner as Rs.4,000/- per month and treated him as an agriculturist. Accordingly, the income would come to Rs.48,000/- per annum (Rs.4,000 × 12). After applying the appropriate multiplier to the age group of 22 years, i.e., '18', the loss of earnings would come to Rs.8,64,000/- (Rs.48,000 × 18). In

support of his case, P.W.1 also examined P.W.s 2 and 3. P.W.2 is the Orthopaedic Surgeon in GGH, Ananthapuramu, who deposed that on 10.12.2018 he examined P.W.1 along with other members of the Medical Board and issued Ex.A7/disability certificate assessing the disability at 50% permanent in nature. Due to the said disability, the petitioner has decreased range of movements of the left knee joint with flexion up to 120 degrees, weakness of the left thigh and left leg muscles with limping, and shortening of the left leg by one inch. He also has reduced movements of the left hip joint, especially rotations, more so internal rotation limited to 10 degrees. He further stated that the petitioner has difficulty in sitting cross-legged, brisk walking, walking for prolonged periods and long distances, climbing stairs and vice versa, and running. He also has difficulty in doing manual labour work and carrying weights while walking. P.W.3 is the doctor who treated the petitioner and deposed that P.W.1 was admitted in his hospital on 19.10.2014, that he performed surgery on the same day, and discharged him on 27.10.2014. He also marked Ex.C1, the case sheet of P.W.1. Considering the evidence of P.W.2 and P.W.3, coupled with Ex.A7 disability certificate issued by the District Medical Board, the Tribunal fixed the disability at 50%. If the same is considered, the loss of earnings would come to Rs.4,32,000/- (Rs.8,64,000 × 50%).

15. Apart from the same, the Tribunal also awarded Rs.1,00,000/- towards mental agony and pain and suffering, Rs.30,000/- towards transportation and

conveyance, Rs.10,000/- towards extra nourishment and diet and Rs.10,000/- towards Attendant charges. Thus, in total, the Tribunal awarded Rs.5,82,000/- towards compensation, which, in the considered opinion of this Court, is just and reasonable and cannot be said to be excessive or on the higher side.

16. Viewed from any angle, this Court does not find any grounds to interfere with the award impugned in the appeal.

17. In the result, the M.A.C.M.A. is dismissed. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V. SUJATHA

Date: 27.04.2026
KGR