



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

[3311]

Thursday, the Nineteenth day of February
Two Thousand and Twenty Six

Present

The Honourable Ms. Justice B.S.Bhanumathi

Motor Accident Civil Miscellaneous Appeal No: 3745 of 2005

Between:

V. Dora

...Appellant

and

A.P. State Road Transport Corporation

...Respondent

Counsel for the appellant:

1.Aravala Rama Rao (S.C. for A.P.S.R.T.C.)

Counsel for the respondent:

1.K.V.Subba Reddy

Motor Accident Civil Miscellaneous Appeal No: 2730 of 2008

Between:

A.P.S.R.T.C., rep., by its Managing Director

...Appellant

and

V. Dora

...Respondent

Counsel for the appellant:

1.Aravala Rama Rao (S.C. for A.P.S.R.T.C.)

Counsel for the respondent:

1.P. Govind Reddy

The Court made the following:

COMMON JUDGMENT:

M.A.C.M.A.No.3745 of 2005 is filed by the claimant seeking enhancement of compensation under Section 173 of the Motor Vehicles Act, 1988 (in short 'the Act') against the decree and the award dated 16.11.2005 in M.V.O.P.No.330 of 2002 on the file of the M.A.C.T.-cum-VI Additional District Judge (F.T.C.), Tirupati.

2. M.A.C.M.A.No.2730 of 2008 is filed by the respondent / A.P.S.R.T.C. under Section 173 of the Act against the same decree and the award.

3. The claimant filed an application under Section 166 of the Act seeking compensation of Rs.3,00,000/-.

4. The case of the claimant stated briefly is as follows:

a. On 20.03.2002, while he was going in a jeep bearing No.PY 01 F 0742 of his friend along with him, near Pudipatla Village, at about 4.45 P.M., the driver of a bus bearing No.AP 10 Z 5041 of the respondent drove it in a rash and negligent manner coming in the opposite direction and hit the jeep on its right side. As a result, the claimant and the driver of the jeep sustained injuries. The S.H.O. of M.R. Palle Police Station registered a case in Crime No.57 of 2002 against the driver of the bus.

b. The claimant suffered fracture injuries to his right leg and right hand, besides other injuries all over his body. Immediately thereafter, he was shifted to S.V.R.R. Hospital, Tirupati. He took treatment for three days. Later he was shifted to C.M.C. Hospital, Vellore. He underwent surgery for both the fracture injuries by insertion of implants. The claimant is unable to attend any work or walk freely. He was taking treatment as out-patient. He has to undergo another surgery for removal of the implants. He was aged 33 years and was doing business at Govindarajaswamy Sannidi's street, Tirupati and earning Rs.5000/- per month at the time of the accident. As he was suffering

from permanent disability, he is unable to earn as before. He spent Rs.50,000/- for his treatment. He requires additional amount for future treatment.

5. The respondent filed counter opposing the petition and further stating that the driver, owner and insurer of the jeep are necessary parties and in their absence, the petition is liable to be dismissed for their non-joinder.

6. The claimant was examined as P.W.1 and the following persons are examined on behalf of claimant:

P.W.2	Dr.Seetharam Prasad
P.W.3	Dr. D.B.Sasidhar Reddy
P.W.4	G.S. Prakash

The following documents are marked on behalf of the claimant:

Ex.A.1	Certified copy of F.I.R.
Ex.A.2	Certified copy of wound certificate.
Ex.A.3	Discharge certificate.
Ex.A.4	Permanent disability certificate.
Ex.A.5	Certified copy of charge sheet.
Ex.A.6	Bunch of medical bills for Rs.9,443/- issued by C.M.C., Vellore.
Ex.A.7	Bunch of inpatient bills for Rs.24,198/- issued by C.M.C., Vellore.
Ex.A.8	Advance bill of Rs.6,900/- issued by C.M.C., Vellore
Ex.A.9	Travel bills for Rs.10,400/-.
Ex.A.10	Inpatient bill for Rs.7,750/-.
Ex.A.11	O.P. ticket issued by C.M.C., Vellore.
Ex.A.12	Discharge summary issued by C.M.C., Vellore.
Ex.X.1	Case sheet.

None examined on behalf of the respondent and no document was marked.

7. After hearing both the parties, the Tribunal held that the accident was caused due to the negligence of the driver of the bus, in spite of denial of such negligence by the driver examined as R.W.1. After considering the oral evidence of the claimant and the doctors who treated him examined as P.Ws.2 and 3 and also the evidence of his co-employee examined as P.W.4 and the documentary evidence, the Tribunal awarded Rs.2,00,000/- towards compensation payable with interest @9% per annum from the date of the petition till the date of deposit and further awarded costs.

8. The Tribunal observed that the claimant was doing business like a hawker and after evaluating evidence of his co-businessman who was examined as P.W.4, notionally fixed the annual income of the claimant as Rs.15,000/-. Assessing the permanent disability of the claimant at 40% due to restricted movement in the right hand etc., and other fracture injuries, the Tribunal calculated the loss at Rs.1,20,000/- by multiplying 40% of it with '17' ($15,000 \times 40/100 \times 17$), but restricted the amount to Rs.80,000/- as per the prayer of the claimant. That apart, Rs.10,000/- for transportation charges, Rs.60,000/- for medical charges, Rs.5,000/- for damages to clothing, Rs.15,000/- for pain and suffering, Rs.10,000/- for loss of amenities of life and Rs.20,000/- for permanent disability were ordered.

9. Aggrieved by the award, this appeal was preferred by the claimant seeking enhancement of amount of compensation and subsequently, the respondent filed appeal challenging the amount of compensation as excessive.

10. In spite of posting the matter to today under the caption 'for dismissal' as there was no representation for the claimant on 12.02.2026, there is no representation for the claimant / appellant even today.

11. Heard the learned counsel for the respondent / appellant assisted by G.Gopinadh Yadav, learned counsel. He submitted that the Tribunal erred in fastening liability on the driver of the bus alone in spite of the fact that the accident occurred due to head-on collision and the driver of the bus was examined as a witness to deny the alleged negligence and there is no independent eye-witness examined, whereas both P.W.1 (claimant) and R.W.1 (driver of the bus) are interested witnesses. He further submitted that contributory negligence of the claimant shall be considered and that the Tribunal erroneously relied on the age and income without actual proof and further that the multiplier adopted is high and the amount awarded under different heads and the rate of interest are high.

12. Insofar as negligence is concerned, though both P.W.1 and R.W.1 are interested witnesses and no other eye-witnesses were examined, the evidence of P.W.1 is corroborated by the documentary evidence, including the charge sheet filed against only R.W.1, whereas there is no corroboration to the evidence of R.W.1. This Court is of the view that no error has been committed by the Tribunal in holding the driver of the bus responsible for causing the accident.

13. With regard to quantum of compensation, though the claimant stated his income as Rs.5000/- per month, in the absence of satisfactory evidence to prove it, his annual income of Rs.15,000/- was taken as per the income one can earn from petty business by then. The amount of compensation granted under the other heads is not on high side. Therefore, the award does not require interference on any ground.

14. In the result, the motor accident civil miscellaneous appeals are dismissed. There shall be no order as to costs.

Interim orders granted earlier, if any, shall stand vacated.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE B.S. BHANUMATHI

Dated: 19.02.2026

NSM

173**The Honourable Ms. Justice B.S.Bhanumathi**

**Motor Accident Civil Miscellaneous Appeal Nos: 3745 of 2005 &
2730 of 2008**

Dated: 19.02.2026
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