



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

[3548]

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

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 5/2017

Between:

1. ANDHRA PRADESH STATE ROAD, HYD, REPRESENTED BY ITS
MANAGING DIRECTOR-CUM-VICE CHAIRMAN MUSHEERABAD,
HYDERABAD RTC HOUSE, (PRESENT) PANDIT NEHRU BUS
STATION VIJAYAWADA.

...APPELLANT

AND

1. A V RAMANA KURNOOL DIST, S/o. A. Seshadri Hindu, AC, 443,
Armed Rev. Police, Now deputation, Security, of Wing, Hyderabad. R/o.
D.No. 5-7-602, S.A.P. Comp, Kurnool, Kurnool District.

...RESPONDENT

Appeal filed under Order 41 of CPC before the High Court, aggrieved by
the Judgment and Decree dated 01.08.2016 in M.V.O.P.No.656/2012 on the
file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional
District Judge, Kurnool

IA NO: 1 OF 2017(MACMAMP 7 OF 2017)

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.656 of 2012 on the file of the Chairman, Motor Accidents Claims
Tribunal- cum-IV Additional District Judge, Kurnool, Kurnool District and pass

IA NO: 2 OF 2017(MACMAMP 61 OF 2017

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

Counsel for the Appellant:

1.N SRIHARI (SC FOR APSRTC)

Counsel for the Respondent:

1.KALANGI SUMALATHA

The Court made the following:

JUDGMENT:

Heard,

Mr.Aravala Rama Rao, learned Senior Standing Counsel for APSRTC and Mr.G.Sravan Kumar, learned counsel representing Ms.K.Sumalatha, learned counsel for the claimant.

1. The parties are arrayed as shown in the present appeal.

2. The present appeal is filed by the Managing Director, APSRTC, who is the sole respondent, aggrieved by the Judgment and Decree dated 01.08.2016, in M.V.O.P.No.656 of 2012, passed by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Kurnool (hereinafter referred to as "the Tribunal"), in awarding Rs.1,53,800/- with proportionate costs against the respondent @ 7.5% per annum, from the date of petition till the date of deposit.

3. At the first instance before the Tribunal, the petition is filed under Section 166(1) and 163(A) of Motor Vehicles Act, 1988 and Rule 475 of A.P. Motor Vehicle Rules, 1989, seeking compensation of Rs.5,00,000/-.

4. The facts germane to the issue are capsuled as under:

(i) The petitioner, being injured, was a resident of D.No.5-7-602, S.A.P. Camp, Kurnool, and was working as Head Constable in Intelligence Wing of Police Department, Government of Andhra Pradesh. He was deputed as a gunman to Mr.Y.S.Vivekananda Reddy, an Ex.Member of Parliament.

(ii) On 10.10.2012 at 06:30 a.m., Ex.M.P. i.e., Mr.Y.V.Vivekananda Reddy, the claimant and driver K.Lakshminarayana, all three started in Tata Safari bearing registration No.AP13AB6965 to go to Kadapa and when the vehicle reached Vempalli Bypass Road near Mother Theresa Convent School, an APSRTC bus bearing registration No.AP11Z5615, driven by the driver in a rash and negligent manner, hit the vehicle. As a result, the claimant, Ex.M.P., and the driver received injuries and immediately they were shifted to Kadapa

Hospital for medical treatment. In the said accident, the claimant/respondent herein suffered fracture to his right leg and injury to his right forearm besides head injury. He was discharged from Kadapa Hospital and thereafter joined Gowry Gopal Hospital, Kurnool and underwent operation. Dr.Kiran Kumar, Orthopedic Surgeon, conducted operation and implanted steel plates on 12.10.2012. Later, he was discharged on 17.10.2012 from Gowry Gopal Hospital, Kurnool. The doctors advised him to take bed rest and on the date of filing the petition, he was taking bed rest and because of the accident, he is unable to move except for attending to nature calls.

(iii) For the aforesaid treatment, he incurred Rs.1,00,000/- towards medicines, transportation and other expenses in connection with the injuries received and he is the only sole bread winner to his family and further emphatically stated in the petition that he need another Rs.1,00,000/- for complete healing of the injuries and he was getting salary of Rs.30,414/- and because of the rash and negligent driving of the driver of the offending vehicle, he is entitled for compensation of Rs.3,30,000/- towards special damages and Rs.4,00,000/- towards general damages and in total, claimed Rs.7,30,000/-. But in the petition, he restricted his claim to Rs.5,00,000/- only.

5. Refuting the contentions, the respondent filed counter stating that there is no negligence on the part of the driver of the offending vehicle and the accident occurred solely because of the rash and negligent driving of the driver of Tata Safari bearing registration No.AP13AB6965 and, requested to dismiss the petition.

6. Basing on the said pleadings, the Tribunal has framed the following issues:

- i. Whether the accident occurred due to rash and negligent driving of the driver of APSRTC Bus bearing registration No.AP-11-Z-5615?
- ii. Whether the claimant is entitled to the compensation of Rs.5,00,000/- or to what just amount and from whom the same shall be recovered?

iii. To what relief?

7. While advertng to issue No.1, the Tribunal has taken into consideration the evidence adduced on behalf of the petitioner, namely PW1 (himself), and Exs.A1 to A3, which were marked. Ex.A1 is the FIR, Ex.A2 is the charge sheet, wherein it is clearly stated that the accident occurred due to rash and negligent driving of Mr.P.Venkata Maheswara Reddy and, basing on the said exhibits A1 and A2 and the evidence of PW1, the issue No.1 is answered in favour of the petitioner and against the respondent.

8. While considering issue Nos.2 and 3, the Tribunal has taken note of the fact that the petitioner has underwent operation to his right leg and steel plates were implanted on 12.10.2012 and was discharged on 17.10.2012 and was treated by Dr.Kiran Kumar, Orthopedic Surgeon, who advised him to take bed rest for three months. Ex.A3, wound certificate issued by Rajiv Gandhi Institute of Medical Sciences (RIMS), Kadapa, shows that on 01.10.2012 at 07.10 a.m., the claimant/respondent herein went to hospital for examination and upon examination, the doctor found the injuries to be simple in nature, which fortifies that he was admitted as inpatient from 10.10.2012 to 17.10.2012 and some surgeries were conducted on the claimant. The doctor further stated before the Tribunal that the claimant suffered 20% permanent disability and in the cross-examination, it was stated that disability assessed by the Medical Board is final. In the cross-examination, the concerned witness admitted that there is no record for assessing 20% disability as stated. This aspect weighed with the finding of the Tribunal in deciding issue Nos.2 and 3.

9. While considering the said issue, the Tribunal has taken note of the fact that the claimant was a Government employee and the petitioner himself admitted that there is no monitory loss to him since the entire amounts are borne by the Government and he admitted that there is a medical reimbursement facility. The Tribunal has given weight to Ex.A4, bunch of medical bills, which are shown as Rs.93,803/- and rounded off to Rs.93,800/-.

While considering the amounts incurred by the petitioner/claimant towards the operation conducted by Dr.Kiran Kumar, considered the future operations to be conducted for removal of the implants which were operated by the said doctor at Rs.30,000/-. The salary drawn by the petitioner was considered by the Tribunal as placed before it, but since the claimant himself has admitted that there is no monetary loss to him due to the accident occurred, the Tribunal has not given much importance to the aspect of actual compensation to be given. The Tribunal has also taken note that the said period was availed on leave and there is no loss of pay. Considering all these aspects, the Tribunal has awarded Rs.20,000/- towards pain and suffering and Rs.10,000/- towards transportation and extra nourishment and put together, the Tribunal held that the claimant is entitled to Rs.1,53,800/-.

10. Heard Mr.Aravala Rama Rao, learned Senior Standing Counsel for APSRTC and Mr.G.Sravan Kumar, learned counsel representing Ms.K.Sumalatha, learned counsel for the claimant.

11. Mr.Aravala Rama Rao, learned Senior Standing Counsel for Corporation, would submit that the Tribunal ought to have considered that the fact that when the disability certificate is not proved, the admissions of the claimant made by himself, need not be denied. He further contended that the Tribunal has went wrong in awarding total compensation of Rs.1,53,800/- with interest @ 7.5% per annum and argued to allow the appeal by setting aside the Judgment and Decree of the Tribunal, dated 01.08.2016, in M.V.O.P.No.656 of 2012.

12. On the other hand, Mr.G.Sravan Kumar, learned counsel appearing for the claimant, would fairly contend that the order of the Tribunal need not be interfered with, as there is no legal infirmity or any infraction. He submits that the Tribunal has arrived to the said right conclusion only after considering the entire evidence and the exhibits marked on behalf of the claimant and argued to dismiss the appeal filed by the Corporation.

13. Upon considering the above facts and circumstances and the entire order passed by the Tribunal, this Court finds that there is nothing to interfere with the Judgment of the Tribunal and the Tribunal is well within the legal limits in awarding the compensation and also considered exhibits marked by the claimant as well as the respondent and also considered the admissions made by the claimant himself. Accordingly, this Court is of the opinion that the order of the Tribunal needs no interference and is hereby confirmed.

14. Resultantly, the Motor Accident Civil Miscellaneous Appeal is dismissed, confirming the Judgment and Decree, dated 01.08.2016, in M.V.O.P.No.656 of 2012 passed by the Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Kurnool. There shall be no order as to costs.

15. As a sequel, Interlocutory Applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

Date : 20-04-2026
BMS