

APHC010337622023



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

[3333]

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

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 374/2023

Between:

1. THE CHAIRMAN/MANAGING DIRECTOR, A.P.S.R.T.C., PANDIT
NEHRU BUS STATION VIJAYAWADA.

...APPELLANT

AND

1. CHITTA VENKATA DHANA LAKSHMI, W/O. CHITTA LAKSHMI
SRINIVAS RAO, AGED 50 YEARS, D.NO.9-67-10, II FLOOR, NEAR
FISH MARKET, I TOWN, VIJAYAWADA-1.

2. MEKA RANGA DASU, S/O. MEKA CHINNA TIRUMALA DASU, AGED
53 YEARS, BANDIPALEIN VILLAGE, JAGGAIAH PET MANDAL,
KRISHNA DISTRICT. DRIVER OF APSRTC BUS BEARING NO.AP
11Z 3319. (R2 IS NOT NECESSARY PARTY)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court may be
pleased to set aside Decree and Award dated 17.03.2023 passed in M.V.O.P
No. 515 of 2018 on the file of Motor Accidents Claims Tribunal cum XII Addl.
District Judge, Vijayawada and consequently dismiss the claim Petition and
pass such

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 may be pleased to grant stay of operation of Decree and Award dated 17.03.2023 passed in M.V.O.P No. 515 of 2018 on the file of Motor Accidents Claims Tribunal cum XII Addl. District Judge, Vijayawada pending disposal of the above appeal in the interest of justice and pass such

Counsel for the Appellant:

1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1.

The Court made the following:

JUDGMENT:-

The appellant/respondent No.2/APSRTC filed this appeal challenging the order dated 17.03.2023 passed by the Chairman, Motor Accidents Claims Tribunal – cum – XII Additional District Judge, Vijayawada in M.V.O.P.No.515 of 2018, whereby the Tribunal awarded Rs.8,76,664/- to the respondent No.1/claimant as compensation.

2. For the sake of convenience, the parties are referred to as they are arrayed before the Tribunal.

3. On 10.12.2016, at about 11.30 a.m., while the claimant and her son were riding on a motor cycle bearing No.AP 16 DL 6302 to their house, at Gatta Glass shop, near hotel Manorama, Governorpet, Vijayawada, the rear end of the bus bearing No.AP 11 Z 3319 belonging to the 2nd respondent and driven by the 1st respondent in a rash and negligent manner, hit the legs of the claimant as a result of which, the claimant and her son fell on the road and the claimant sustained severe injuries to her both legs. She was immediately shifted to Mehar hospital, Gandhinagar, Vijayawada. The incident was reported to Police who filed a case against the 1st respondent in Crime No.364 of 2016 for the offence punishable under Section 337 of the Indian Penal Code. Due to the injuries sustained in the accident, the claimant is said to have been suffering from diabetics, hypertension and needs regular medication. It is the case of the claimant that she, aged about 44 years, used to earn Rs.12,000/- per month from tailoring works. For the injuries sustained by her in the abovementioned accident, the claimant has filed the claim petition seeking Rs.10,00,000/- as compensation.

4. The 1st respondent remained exparte. The 2nd respondent/APSRTC contested the claim petition by filing a written statement denying the rashness and negligence alleged on the part of the 1st respondent and that the compensation claimed by the claimant is excessive.

5. Basing on the above pleadings, the Tribunal framed the following issues for trial:

- 1) *Whether the Petitioner sustained injuries in motor vehicle accident occurred on 10.12.2016 at 10.30 a.m at Manorama Hotel, mahatma Gandhi Road, Vijayawda, Krishna District, due to rash and negligent driving of 1st Respondent/driver of the offending vehicle R.T.C Bus bearing No.AP 11 Z 3319?*
- 2) *Whether the Petitioner is entitled for compensation, as prayed for?*
- 3) *To what relief?*

6. During the course of trial, the claimant was examined as P.W.1, the doctor who treated the claimant was examined as P.W.2 and Exs.A1 to A12 were marked; no oral or documentary evidence was adduced by the respondents.

7. The Tribunal, after considering all the facts and material available before it, came to the conclusion that the accident occurred due to the rash and negligent driving of the 1st respondent and further awarded Rs.8,76,664/- as compensation to the claimant for the injuries sustained by her in the accident occurred on 10.12.2016. Aggrieved by the same, the respondent No.2/APSRTC has filed the present appeal on the ground that the Tribunal has awarded the compensation without any base or cogent evidence.

8. Heard Sri. Sri. Aravala Rama Rao, learned counsel for the appellant.

9. Perused the entire material available on record. It appears from the record that there is no dispute with regard to the accident that occurred on 10.12.2016 at 11.30 a.m., at Manorama hotel, M.G. road, Vijayawada while the claimant was riding on her motorcycle along with her son. The claimant got examined herself as P.W.1; it is evident from her statement that due to rash and negligent driving of the 1st respondent, the rear end of the subject bus hit the claimant's legs resulting in their fall on the ground with crushed legs and bleeding injuries. The claimant relied on Ex.A1 – FIR and Ex.A10 – charge sheet filed against the 1st respondent. Though the 2nd respondent has contested the claim petition by raising several grounds, it failed to prove that the accident has not occurred due to the rash and negligent driving of the 1st respondent. Thus, it is established that the claimant could prove that she sustained injuries in an accident that occurred due to the rash and negligent driving of the 1st respondent. Observing as such, the Tribunal has rightly answered issue No.1 in favour of the claimant.

10. The doctor who treated the claimant was examined as P.W.2. He deposed that the claimant suffered crush injuries to her left foot, bimalleolar and metatarsal fracture, fracture to right tibial and dgloving injury of left foot with crush. He deposed that the claimant was treated as inpatient for more two months. The claimant has filed Ex.A5 – hospital bills and Ex.A6 – pharmacy bills, which are consolidated for Rs.5,16,664/- (Ex.A7). As the claimant had to undergo such treatment due to the rash and negligent driving of the 1st respondent, the said amount has to be reimbursed to the claimant.

11. Considering the severity of the injuries sustained by the claimant in the abovementioned accident, she definitely would have suffered a lot of pain; thus, the Tribunal rightly awarded Rs.1,60,000/-

under the head of loss of pain and suffering. Though the claimant contended that she used to earn Rs.12,000/- per month from tailoring works, no evidence was put forth in support of the same. However, P.W.2 has deposed that the claimant would incur Rs.30,000/- expenditure for removal of implants and he assessed the functional disability of the claimant to be of 30%. The Tribunal, as a lumpsum has awarded Rs.2,00,000/- towards loss of earnings during hospitalization, extra nourishment, damages of clothes and articles and attendant charges etc., which in the considered opinion of this Court is not excess, as contended by the appellant. Having failed to adduce any reliable evidence to prove that the accident has not occurred due to the rash and negligent driving of the 1st respondent, the appellant/APSRTC cannot now escape its liability of paying compensation to the claimant.

12. Thus, the total amount of compensation i.e. Rs.8,76,664/- [Rs.5,16,664/- + Rs.1,60,000/- + Rs.2,00,000/-] awarded by the Tribunal by way of the impugned order is just and reasonable in the considered opinion of this Court and that the same need not be interfered on any ground.

13. Accordingly, this appeal is dismissed. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE V. SUJATHA

Date:20.04.2026.

Gss