



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

[3333]

THURSDAY, THE 6th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 325/2022

Between:

- 1.KONDRAJU RAVI (DIED), S/O.MALYADRI, AGED 26 YEARS, BUSINESS, NATIVE OF H.NO. 7-8-51, KATAMREDDYVARI VEEDHI, SANKALIVARI THOTA, KAVALI, NELLORE DISTRICT, NOW RESIDING AT C/O NAGINI SRINIVAS, H.NO. 1-10-3/4, RAILWAY COLONY, ONGOLE, PRAKASAM DISTRICT. (DIED AS PER LR'S 2 TO 4)
- 2.KONDRAJU SUMALATHA,, W/O. LATE KONDRAJU RAVI, AGED ABOUT 35 YEARS, R/O. TENKAMVARIPALEM, JALADANKI, NELLORE DISTRICT.
- 3.KONDRAJU CHARAN KUMAR,, S/O. LATE KONDRAJU RAVI, AGED ABOUT 13 YEARS, R/O. TENKAMVARIPALEM, JALADANKI, NELLORE DISTRICT.
- 4.KONDRAJU DEEPIKA,, D/O. LATE KONDRAJU RAVI, AGED ABOUT 11 YEARS, R/O. TENKAMVARIPALEM, JALADANKI, NELLORE DISTRICT. PETITIONERS NO. 2 TO 4 ARE BROUGHT ON RECORD AS PER LR'S OF THE DECEASED PETITIONER NO.1 VIDE C.O.DT 9/7/2026 IN I..A.NO. 4/2026

...APPELLANT(S)

AND

- 1.GADEPALLI MALLIKARJUNA, SON OF SUBRAHMANYAM, AGED 28 YEARS, HINDU, RESIDENT OF D.NO. 10-36-8K, JANATHAPET SOUTH, KAVALI, S.P.S.R. NELLORE DISTRICT. (DRIVER OF MARUTHI ALTO CAR BEARING NO. AP 26 BB 00951)

- 2.GADEPALLI SUBRAHMANYAM, SON OF RAMAKRISHNAIAH, RETIRED TEACHER, AGED 60 YEARS, HINDU, RESIDENT OF D.NO. 10-36-8K, JANATHAPET SOUTH, KAVALI, S.P.S.R. NELLORE DISTRICT. (DRIVER OF MARUTHI ALTO CAR BEARING NO. AP 26 BB 00951)
- 3.THE NATIONAL INSURANCE COMPANY LIMITED, REPRESENTED BY ITS DIVISIONAL MANAGER, TRUNK ROAD, ONGOLE, PRAKASAM DISTRICT. (POLICE NO. 35101031146135666350, VALID UP TO 04-11-2015).

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtbegs to prefer this Memorandum of MACMA against the decree and order dated. 29-08-2017 passed in M.V.O.P. No. 219/2015 on the file of the court of the Motor Accident Claims Tribunal (Principal District Court), Prakasam at Ongole which was amended the decree and order dated 13-11-2018 in I.A.No.2328 of 2018 in M.V.O.P. No. 219/2015

IA NO: 1 OF 2026

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 leave to the proposed appellants No.2 here in to pursue the appeal on behalf of proposed appellants 3 and 4 being miners in MACMA No. 325 of 2022 and to pass

IA NO: 2 OF 2026

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 condone the delay of 58 days in filing the application to set aside the abatement caused due to death of 1st appellant namely Kondraju Ravi in M.A.C.M.A No. 325 of 2022 and to pass

IA NO: 3 OF 2026

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 set aside the abatement caused due to the death of 1st appellant namely Kondraju Ravi in M.A.C.M.A No. 325 of 2022 and to pass

IA NO: 4 OF 2026

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 bring the proposed Appellants No.2 to 4 herein on record as legal representatives of deceased 1st petitioner namely Kondraju Ravi by adding as appellants No.2 to 4 in M.A.C.M.A No. 325 of 2022 and to pass

Counsel for the Appellant(S):

1.CHENCHU RAMAIAH

Counsel for the Respondent(S):

1.B JAYA PRABHAKARA RAO

2.V VEERABHADRA CHARY

The Court made the following:

J U D G M E N T:

The present appeal is filed by the appellants/claimants, aggrieved by the order and decree dated 29.08.2017 passed in M.V.O.P.No.219 of 2015 by the Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Ongole, whereby the Tribunal awarded compensation of Rs.9,29,555/- (Rupees Nine Lakhs Twenty Nine Thousand Five Hundred and Fifty Five only) to the claimant, as against the claim of Rs.25,00,000/- (Rupees Twenty-Five Lakhs Only), for the injuries sustained by him in a motor accident that occurred on 20.04.2015.

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

3. The case of the claimant, in brief, is as follows:

a) On 20.04.2015, the claimant went to Jaladanki from Kavali on his motorcycle and, after completion of his work at Jaladanki, returned towards Kavali. At about 05.00 p.m., when he reached near the western outskirts of Kavali Town on Kavali-Udayagiri Road, the 1st respondent, being the driver of Maruthi Alto Car bearing registration No.AP 26 BB 0095, which was proceeding in the opposite direction towards Jaladanki, drove the said car in a rash and negligent manner at high speed, without blowing horn and without observing the vehicular traffic, came onto the wrong side of the road and dashed against the motorcycle of the claimant. As a result, the claimant fell down from his motorcycle and sustained grievous injuries all over his body.

Immediately after the accident, he was shifted to Bollineni Super Specialty Hospital, Nellore, where he was admitted as an inpatient and underwent surgery to his right leg and nails were inserted. He incurred an amount of Rs.8,00,000/- towards treatment, operation, medicines, nursing, diet, transport and other expenses.

b) It is further contended that the accident occurred solely due to the rash and negligent driving of the Maruthi Alto Car bearing registration No.AP 26 BB 0095 by the 1st respondent. The Station House Officer, Kavali II Town Police Station, registered a case in Crime No.69 of 2015 under Section 337 of the Indian Penal Code against the 1st respondent and, after investigation, filed a charge sheet against him.

c) The petitioner was aged about 26 years and was hale and healthy prior to the accident. He was working as a hawker, supplying cigarettes and other products to shops in Kavali Town and surrounding villages through ITC Company and was earning an amount of Rs.35,000/- to Rs.45,000/- per month. Due to the accident, he sustained grievous injuries and was unable to attend to his normal avocation and suffered loss of earnings and future earnings. Hence, he claimed compensation of Rs.25,00,000/-.

4. Respondent Nos.1 and 2 remained ex parte before the Tribunal.

5. Respondent No.3/Insurance Company filed its written statement denying the material averments of the petition and contending that the accident occurred due to the negligence of the claimant himself, who was

riding the motorcycle without a valid driving licence and without wearing a helmet. It was further contended that the driver of the offending car bearing No.AP 26 BB 0095 was not holding a valid and effective driving licence and that the offending vehicle was not having a valid permit to ply on the road. It was also contended that the claimant sustained only simple injuries, that there was no disability and that the medical expenses claimed were excessive and exorbitant. It was further contended that the compensation claimed was highly excessive and exorbitant and, therefore, the petition was liable to be dismissed.

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

1. Whether the petitioner had sustained injuries in the accident due to the rash and negligent driving of the Maruthi Alto Car bearing No.AP 26 BB 0095 driven by respondent No.1 and whether there was any contributory negligence on the part of the petitioner in riding the motorcycle, as alleged by respondent No.3?
2. Whether the petitioner is entitled for compensation? If so, to what amount and against whom?
3. To what relief?

7. On behalf of the petitioner, he himself was examined as P.W.1 and P.Ws.2 to 4, the Medical Officers, and P.W.5 were examined and Exs.A.1 to A.20 were marked. Ex.X1-Ledger was also marked through P.W.5. On behalf of the respondents, no oral evidence was adduced, but Ex.B1-policy schedule was marked with consent.

8. After hearing both parties and considering the oral and documentary evidence available on record, the Tribunal partly allowed the claim petition and awarded a sum of Rs.9,29,555/- towards compensation, with interest at 7.5% per annum from the date of petition till realization, payable by respondent Nos.1 to 3 jointly and severally. The 3rd respondent/Insurance Company was directed to deposit the compensation amount with costs and interest into Court within one month from the date of the order. The petitioner was permitted to withdraw half of the amount with costs and interest and the remaining amount was directed to be kept in fixed deposit for a period of two years.

9. Aggrieved by the quantum of compensation awarded by the Tribunal, the claimant preferred the present appeal seeking enhancement of compensation.

10. Learned counsel for the appellants/claimants contended that the Tribunal has not properly considered the evidence of P.Ws.1 to 5 and Exs.A.1 to A.20 and Ex.X1. It is contended that the claimant sustained multiple grievous injuries, underwent prolonged treatment and suffered disability, but the Tribunal awarded a meagre amount towards loss of earning capacity. It is further contended that the Tribunal has not properly considered Ex.A16/disability certificate, wherein the disability was assessed at 56%. It is also contended that the Tribunal awarded only Rs.6,09,555/- towards medical

expenses, though the total medical bills come to Rs.6,29,385/-. Hence, learned counsel prayed to enhance the compensation.

11. On the other hand, learned counsel for respondent No.3/Insurance Company supported the award passed by the Tribunal and contended that the compensation awarded by the Tribunal is reasonable and does not require any enhancement. It is further contended that the disability mentioned in Ex.A16 was temporary and, therefore, the claimant is not entitled to compensation by treating the same as permanent disability.

12. Now the point for consideration is:

Whether the compensation awarded by the Tribunal is just and reasonable and whether the appellants/claimants are entitled to enhancement of compensation?

POINT:

13. The claimant, who is injured in the present accident, got himself examined as P.W.1 and deposed with regard to the manner of the accident. He categorically stated that on 20.04.2015, he went to Jaladanki from Kavali on his motorcycle and, after completion of his work, returned to Kavali. On the way, at about 05.00 p.m., when he reached near the western outskirts of Kavali on Kavali-Udayagiri Road, the 1st respondent, being the driver of Maruthi Alto Car bearing No.AP 26 BB 0095, proceeding towards Jaladanki in the opposite direction, drove the said car in a rash and negligent manner at

high speed, without blowing the horn and without observing the vehicular traffic, came onto the wrong side of the road and dashed against the motorcycle of P.W.1. As a result, he fell down from his motorcycle and sustained injuries all over his body. Immediately thereafter, he was shifted to Bollineni Super Specialty Hospital for treatment. He also got Exs.A.1 to A.20 marked.

14. The Tribunal, considering the evidence of P.W.1 coupled with Ex.A.3, copy of the charge sheet filed by the Police after due investigation against the driver of Maruthi Alto Car bearing No.AP 26 BB 0095, i.e., the 1st respondent, answered Issue No.1 accordingly. This Court finds no reason to interfere with the said finding.

15. Coming to the quantum of compensation, as per the evidence of P.W.1, immediately after the accident, he was shifted to Bollineni Super Specialty Hospital, Nellore, where he took treatment from 20.04.2015 to 30.04.2015 and underwent surgery to his right leg, wherein nails were inserted. Thereafter, he was shifted to Vijaya Health Centre, Chennai, on 30.04.2015, where he took treatment as an inpatient till 05.01.2016. In support of his case, he got Exs.A.7 to A.20 marked.

16. Apart from his evidence, the claimant examined P.W.2/Orthopedic Surgeon, Vijaya Institute of Trauma & Orthopaedic, Chennai, who categorically deposed that he initially treated P.W.1 and diagnosed (1) Left high parietal acute subdural haemorrhage with diffuse cerebral edema with

mass effect; and (2) Right knee subluxation with K-wire and ACL rupture. P.W.2 further deposed that P.W.1 underwent K-wire removal from the right knee on 18.05.2015, POP cast was applied on 06.06.2015 and he was discharged on 10.06.2015. He further deposed that P.W.1 was again admitted on 04.01.2016 for the head injury and was discharged on 05.01.2016. At the time of the second admission, P.W.1 incurred an amount of Rs.6,933/- towards hospital expenditure.

17. The claimant also examined P.W.3/Neuro Surgeon, KIMS Hospital, Nellore, who deposed that he examined P.W.1 on 20.04.2015 and noticed the following injuries:

1. Large laceration over the right frontal area and forehead;
2. Laceration over the upper lip and cheek on the right side;
3. Laceration over the lower face on the left side; and
4. Internally, CT scan of the brain showed left-sided brain swelling.

P.W.3 further deposed that all the above injuries sustained by P.W.1 were grievous in nature and that P.W.1 was admitted in the Neuro ICU with ventilator support. He further deposed that P.W.1 was attended by an Orthopedic Surgeon, Plastic Surgeon, General Physician and Gastroenterologist and underwent surgical repair by a Neurosurgeon, Orthopedic Surgeon and Plastic Surgeon because of the head injury. He also deposed that P.W.1 had lifelong risk of fits, meningitis and loss of ability to

concentrate and work for four to six hours and that he requires lifelong follow-up with specialist doctors and physiotherapy.

18. P.W.4, Assistant Professor in A.C.S.R. Government Medical College, examined P.W.1 on 07.12.2016 and found that he was suffering from post-traumatic sequelae of the right lower limb with severe right knee stiffness due to the accident. Accordingly, he issued Ex.A16/disability certificate assessing the disability at 56% for a period of two years and advised reassessment thereafter.

19. The Tribunal, considering the evidence of P.W.1 that he was working as a hawker and, in the absence of documentary evidence to prove his income, took the monthly income of the claimant at Rs.10,000/- and accordingly fixed his annual income at Rs.1,20,000/-. However, on a perusal of the award, it is evident that the Tribunal simply observed that, as there was 50% disability, the claimant could be awarded Rs.1,20,000/- towards loss of income for two years on account of disability.

20. The said finding is seriously challenged by the learned counsel for the claimant, contending that, despite the evidence of P.Ws.2 to 4, who are the doctors who treated and examined the claimant, the Tribunal did not apply the multiplier method by taking into consideration the income of the claimant and the disability certificate issued under Ex.A16, wherein the disability was assessed at 56%.

21. As rightly contended by the learned counsel for the claimants, the Tribunal has not applied the multiplier method while assessing the loss of earning capacity. Taking into consideration the monthly income of the claimant at Rs.10,000/- as assessed by the Tribunal and his age as 26 years, 1/3rd of the income is deducted towards his personal and living expenses. Thus, his monthly contribution to the family would come to Rs.6,667/- approximately. The annual contribution would therefore come to Rs.80,004/- (Rs.6,667/- × 12).

22. Applying the appropriate multiplier of '17' to the age of 26 years, as laid down by the Hon'ble Supreme Court in **Sarla Verma v. Delhi Transport Corporation¹**, the loss of future earnings would come to Rs.13,60,068/- (Rs.80,004/- × 17).

23. As per Ex.A16, the disability was assessed at 56%. Therefore, the claimant is entitled to 56% of the said amount towards loss of earning capacity, which comes to Rs.7,61,638/- (Rs.13,60,068/- × 56/100).

24. It can also be observed that the Tribunal considered the medical bills marked by the claimant. However, instead of awarding Rs.6,29,385/-, which is the total amount of the medical bills produced by the claimant, the Tribunal awarded only Rs.6,09,555/-. Therefore, the amount under the head of medical expenses is liable to be enhanced to Rs.6,29,385/-.

¹ 2009 ACJ 1298

25. Apart from the above, the Tribunal awarded Rs.1,00,000/- towards pain and suffering, transport and nourishment charges, which, in the facts and circumstances of the case, is reasonable and does not warrant interference.

26. The Tribunal also awarded Rs.25,000/- each for the four grievous injuries, totalling Rs.1,00,000/-. The said amount is also reasonable and does not call for any interference.

27. It is further evident from the evidence of P.W.1 that, due to the grievous injuries sustained by him, he was unable to attend to his regular avocation during the period of treatment. Considering the prolonged treatment undergone by the claimant, this Court is of the view that loss of earnings for a period of one year and six months can reasonably be awarded. Accordingly, an amount of Rs.1,80,000/- (Rs.10,000/- × 18 months) is awarded towards loss of earnings during the period of treatment.

28. Thus, to sum up, the amounts awarded by the Tribunal and the amounts now awarded by this Court are as follows:

Head	Amount granted by the Tribunal	Amount now awarded by this Court
Loss of earning capacity	Rs.1,20,000/-	Rs.7,61,638/-
Medical expenses	Rs.6,09,555/-	Rs.6,29,385/-
Compensation for four grievous injuries	Rs.1,00,000/-	Rs.1,00,000/-
Pain and suffering, transport and nourishment	Rs.1,00,000/-	Rs.1,00,000 /-
Loss of earnings during treatment	-----	Rs.1,80,000/-
Total	Rs.9,29,555/-	Rs.17,71,023/-

29. Though the present appeal has been preferred by the claimants, this Court is empowered to enhance the compensation on the basis of the evidence available on record, even in the absence of any cross-objections, in view of the law laid down by the Hon'ble Apex Court in ***Surekha v. Santosh*²** .

30. In view of the above discussion, this Court is of the considered opinion that the compensation awarded by the Tribunal is inadequate and the claimant is entitled to a total compensation of Rs.17,71,023/- as against Rs.9,29,555/- awarded by the Tribunal.

31. In the result, the appeal is **partly allowed**. The compensation awarded by the learned Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Ongole, vide order dated 29.08.2017 in M.V.O.P.No.219 of 2015, is enhanced from Rs.9,29,555/- to Rs.17,71,023/- (Rupees Seventeen Lakhs Seventy-One Thousand and Twenty-Three only), with interest at 7.5% per annum from the date of petition till the date of realization. The respondents shall be jointly and severally liable to pay the enhanced compensation. The 3rd respondent/Insurance Company shall deposit the enhanced compensation, together with accrued interest and costs, within a period of two months from the date of receipt of a copy of this judgment. The claimant shall be entitled to withdraw the entire amount on such deposit. No order as to costs.

² SCC Online SC 1312

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V. SUJATHA

Date: 06.08.2026
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THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 325/2022

Date: 06.08.2026
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