

APHC010718002013



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

FRIDAY, THE 24th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 859 OF 2013

Between:

1. SAPPA NAGARAJU, S/o.Latchamma, Hindu R/o.D.No.21-10/2-287/A/13,
Ayodhya Nagar, 10/2 Street, Vijayawada.

...Petitioner

AND

1. PADAMATA BABU RAO and Another, S/o.Bhasker Rao, Hindu
R/o.Chinnapuram V Machilipatnam Mandal, Krishna District.
2. A.P. State Road Transport Corporation, rep by its Managing Director
O/o.Musheerabad, Hyderabad.

...Respondents

Counsel for the Petitioner: S BALA MOHAN RANGA

**Counsel for the Respondents: ARAVALA RAMA RAO(SC FOR APSRTC
KKAC) Counsel for the Respondents:.**

The Court made the following JUDGMENT:

The Appeal is filed by the Claimant against the Award passed by the Motor Vehicles Accidents Claims Tribunal-cum-II Additional District Judge, Vijayawada, dated 31.12.2012, seeking enhancement of compensation.

2. The learned counsel for the Appellant submits that the claim is filed for Rs.4,85,000/- but the Tribunal awarded only Rs.2,98,000/-, contending that the Tribunal took monthly wage at Rs.2,000/- per month but it should be taken at Rs.4,500/- and also future prospects. Also contended that the Tribunal awarded Rs.10,000/- towards Consortium but did not award for Funeral Expenses and Loss of Estate and prayed to award as per ***National Insurance Company Limited v. Pranay Sethi and others***¹ case.

3. The learned counsel for 2nd Respondent/A.P.S.R.T.C. submits that the Tribunal considered all the points, that for a labour no future prospects be granted and prayed to dismiss the Appeal, fairly conceded that Loss of Estate and Funeral Expenses be awarded, and also that the Tribunal granted Rs.10,000/- towards loss of Consortium.

4. The material on record reveals that, on 02.01.2011 the Husband/Claimant and his wife/deceased were going on a Cycle, near

¹ (2017) 16 SCC 680

Undavalli Bus Stop, the 1st Respondent/Driver drove the offending A.P.S.R.T.C. Bus/AP 11 Z 3288 in rash and negligent manner, dashed the Cycle, he lost balance and he and his wife fell from the Cycle, the right side front wheel of the Bus ran over on the head of his wife and she died on the spot. In this regard, a Crime No.1 of 2011 is registered by Tadepalli Police Station and also a Charge Sheet is filed against the Driver.

5. There is no dispute after conclusion of the arguments on the accident involving the offending A.P.S.R.T.C. Bus, negligent driving by the 1st Respondent/Driver, death of Claimant's wife in the accident. Thus, the points to be decided are whether the Claimant is entitled for enhanced compensation including future prospects.

6. The record reveals as per the Claimant his wife was a skilled labour and getting Rs.4,500/- per month, the Tribunal recorded that in the Inquest it is recorded that she is Labour/Coolie and that the Claimant could not prove she was skilled Labour, however arrived at Rs.2,000/- per month as she could earn the same in those days, deducted 1/3rd towards her personnel and living expenses, arrived at Rs.16,000/- per annum towards loss of dependency, observed that her age was 25 years and applied multiplier '18', arrived at Rs.2,88,000/- but awarded Rs.10,000/- towards loss of Consortium and did not award any amount under Loss of Estate and Funeral Expenses.

7. The Hon'ble Constitutional Bench of Hon'ble Supreme Court of India in ***National Insurance Company Limited v. Pranay Sethi and others***², relied ***Sarla Verma and others v. Delhi Transport Corporation and another***³, held that future prospects, where the deceased has permanent job, self employed or on a fixed salary but in this case even as per the case of the Claimant is his wife was skilled labour, which is not proved before the Tribunal, whereas the Tribunal held she is Labour/Coolie, thus the deceased is not within the purview to consider future prospects, thus the contention of the Claimant that future prospects to be awarded is without merits for the reasons stated supra.

8. The Tribunal awarded Rs.10,000/- to the Claimant/Husband towards loss of Consortium but did not award any amount under Loss of Estate and funeral expenses.

9. As per law in ***Pranay Sethi*** case supra, for loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% every three years.

10. Thus, the Claimant is entitled to Rs.48,000/- towards loss of Consortium in the place of Rs.10,000/- as awarded by the Tribunal, Rs.18,000/-

² (2017) 16 SCC 680

³ 2004 (8) SCC 553

towards *loss of Estate and* Rs.18,000/- towards Funeral expenses, duly enhancing 10% for every three years for the three heads.

11. The compensation awarded by the Tribunal under different heads and the amounts enhanced by this Court, are as follows:

S. No.	Head of the claim	Compensation awarded by the Tribunal	Compensation enhanced by this Court	Remarks
1.	Loss of Dependency	2,88,000/-	2,88,000/-	Maintained the same
2.	Loss of <i>Consortium</i>	10,000/-	48,000/-	As per <i>Pranay Sethi</i> case
3.	Funeral expenses	--	18,000/-	As per <i>Pranay Sethi</i> case
4.	<i>Loss of Estate</i>	–	18,000/-	As per <i>Pranay Sethi</i> case
	Total	2,98,000/-	3,72,000/-	

Thus, the Claimant is entitled to Rs.3,72,000/-. The interest of 7.5% per annum as ordered by the Tribunal is maintained.

CONCLUSION:-

12. In the result, for the foregoing reasons, the Motor Accident Civil Miscellaneous Appeal is partly allowed with costs of Rs.10,000/-, while enhancing the compensation from Rs.2,98,000/- to Rs.3,72,000/- as stated in the

Table with interest at 7.5% per annum from the date of filing of the Petition till the date of realization.

Consequently, Miscellaneous Petitions, if any, pending, shall stand closed.

JUSTICE ALAPATI GIRIDHAR

Date : 24.07.2026
CHD

HON'BLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.No.859 of 2013

Date:24th July, 2026

CHD