



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

[3605]

FRIDAY, THE 7th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013)

IN/AND

M.A.C.M.A. (SR) No. 31726/2013

Between:

1. ORIENTAL INSURANCE COMPANY LIMITED, NELLORE

...APPELLANT

AND

1.DAMAYI VEERASWAMY ALIAS DAMAYI PEDDA VEERASWAMY AND
ANOTHER, -

...RESPONDENT

Counsel for the Appellant:

1.M SOLOMON RAJU

Counsel for the Respondent:

1.

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013)

IN/AND

M.A.C.M.A. (SR) No. 31726/2013

The Court made the following JUDGMENT:

M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013)

1. The present Appeal is filed along with an application to condone the delay vide M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013) seeking condonation of delay of 127 days in filing the Appeal.

2. Today, when the matter came up for hearing, the learned counsel for the Appellant/Insurance Company submitted that he filed a Memo of proof of service. On perusal of the same, it reveals that due to 'insufficient address' service on respondents could not be effected and he requested the Court to hear the application on merits, and if satisfied with the grounds in the application, to proceed with for hearing of the Appeal.

3. The Learned Counsel submits that due to administrative reasons, the delay occurred and statutory deposit of Rs.22,500/- has also been deposited on 08.07.2013 in the Court below and prays to condone the delay.

4. The matter pertains to the year 2013 and the notices issued to the Respondents for the address mentioned in the Award but they returned with 'insufficient address', it appears the Appellant did his best to serve notices, may be on account of change of door numbers or other reasons, they are returned, the Parties have duly furnished the correct/changed address in terms of Order VI Rule 14A of CPC, thus the Court inclined to hold as the Appellant attempted to serve in the given address before the Tribunal, this is

deemed service in the circumstances of the case, none appeared for the Respondents.

5. On perusal of the contents of the Affidavit filed in support of the application and also considering the submissions of the learned counsel for the Appellant, the delay of 127 days is condoned. Accordingly, M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013) is allowed. The Appeal is admitted.

M.A.C.M.A. (SR) No. 31726/2013

6. The Appeal is filed by the Oriental Insurance Company Limited challenging the Award passed by the Chairman-cum-III Additional District Judge, Nellore, dated 12.12.2012 in M.V.O.P.No.445 of 2009, assailing the quantum of compensation.

I. CONTENTIONS:

9. The contention of the learned counsel for the Appellant is that the Doctor was not examined to prove the medical bills and treatment and prayed to modify the Award.

7. None appeared for the Claimant/Respondent No.1 and Owner.

II. ANALYSIS :

8. The case of the Claimant is that on 19.08.2006, the Claimant and other coolies boarded a Tipper Lorry/AP-26-U-8050 at Shar Circle, Sullurpet to go to Sriharikota. The driver of the Tipper drove in a rash and negligent manner and the Tipper turned turtle on northern side of the road, the Claimant and other inmates sustained injuries and they were shifted to Government Hospital, Sullurpet for treatment. In this regard, Cr.No.19/2006 under Section 337 of IPC was registered by the Sullurpet Police against the driver. The Claimant was shifted to Narayana General Hospital, Nellore for better treatment. The Claimant was examined as PW.1 and exhibited Exs.A.1 to

A.6, copy of FIR, wound certificate, charge sheet, medical bills, OP Cards and X-ray films.

9. The material on record reveals that there is no dispute with regard to the road accident, Driver's negligence and Claimant's suffering injuries and his treatment. The only point to be decided by the Court is on quantum of compensation.

10. The material on record reveals that the Tribunal considered the evidence and wound certificate, X-ray films and medical bills and awarded Rs.1,000/- towards transport, Rs.6,000/- towards medical expenses, Rs.6,000/- towards pain and suffering, Rs.6,000/- towards mental agony, Rs.16,000/- towards one grievous injury, Rs.2,000/- each for five simple injuries i.e., a total of Rs.10,000/- for 5 injuries. The Tribunal also recorded six injuries as per the wound certificate/Ex.A.2, which are extracted hereunder:

- a) Sutured wound of 5 cms just below right knee on lateral side.*
- b) Swelling of left ankle of 4 x 3 cms.*
- c) Pain over left hip tenderness present.*
- d) Abrasion of 2 x 1 cm over lower end on the posterior aspect right thigh.*
- e) Small abrasion over dorsum of right foot.*
- f) Abrasion of 3 x 1 cms over right wrist.*

11. The Tribunal also recorded that he took treatment in different hospitals but held that he did not examine the Doctors. The Tribunal relied on the Wound Certificate and X Rays and arrived at the compensation. The contention of the Insurance Company is that without examining the Doctors, the Tribunal ought not to have granted compensation. Whereas the Claims are supposed to be disposed of in a summary manner, when the road accident, Claimant's suffering injuries and his treatment is not in dispute, the Tribunal can go for assessment even in the absence of the Doctors evidence, further the awarded amount also reasonable for the injuries as stated in the

Wound Certificate and X Rays. Thus, the Appellant could not demonstrate any infirmities in the Award warranting interference in the Award, thus the Appeal is devoid of merits and liable to be dismissed without costs in the circumstances of the case.

III. CONCLUSION

12. Thus, in view of the aforesaid discussion, the Appeal is dismissed without costs in the circumstances of the case.

Miscellaneous applications pending, if any, shall also stand closed.

JUSTICE ALAPATI GIRIDHAR

Dated 07.08.2026
JKS

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

M.A.C.M.A.M.P.No.4621 of 2013 (I.A.No.1 of 2013)

IN/AND

M.A.C.M.A. (SR) No. 31726/2013

07.08.2026

JKS