APHC010058402019

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

[3505]

THURSDAY, THE 25th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 112/2019

Between:

1. APSRTC, REP BY ITS REGIONAL MANAGER, PM, OFFICE, RTC BUS STAND, KADAPA, KADAPA DISTRICT

...APPELLANT

AND

1. S MADHULATHA, D.NO. 12/256-1, GANGAMMA TEMPLE STREET, KADPAA CITY, KADAPA DISTRICT
2. V VENKATA RAMANA CHARY, S/O. NAGA BUSHANAM, RTC DEPOT. RAJAMPETA TOWNM KADAPA DIST.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtaggrieved by the order and decree dated 19.09.2018 in MVOp. 595/2016 on the file of Motor Accidents claims tribunal cum IV Additional District judge, Kadapa

IA NO: 1 OF 2019

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 Pleased to code the

delay of 13 days in filing the appeal against MVOp. 595/2016 on the file of the motor accidents claims tribunal, Kadapa

IA NO: 2 OF 2019

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 Pleased to stay of all further proceedings including the execution proceedings in MVOp. 595/2016 on the file of the motor accidents claims tribunal, kadapa

Counsel for the Appellant:

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1. D KODANDARAMI REDDY

The Court made the following judgment:

The present appeal is filed by APSRTC questioning the quantum of compensation awarded by the Tribunal through its order dated 19.09.2018 in MVOP.No.595 of 2016, on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Kadapa.

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

3. The petitioner filed claim petition under Section 166 of the Motor Vehicles Act, 1988, read with the Rules made thereunder, seeking to pay compensation of Rs.20,00,000/- on account of the injuries sustained by her in the accident that occurred on 14.05.2026, in which the offending RTC bus bearing registration No.AP04Z00665, was involved.

4. It was the case of the petitioner that she was aged about 28 years and had completed MBBS degree under Open Category in S.V.University Medical College Tirupathi. She was aspiring to pursue P.G. Degree course in Medicine. On 14.05.2016, the petitioner, along with her elder sister, Dr.Manjula, boarded the offending RTC bus to travel to Hyderabad for appearing in the

P.G. entrance examination in medicine that was scheduled to be held on 15.05.2016. When the bus reached Oravakal mandal area at about 1.00 a.m., the 2nd respondent, who was driving the offending bus, drove the same in rash and negligent manner at high speed, and dashed against a container stationed on the road from behind. As a result of the said accident, the petitioner, her elder sister, and several other passengers sustained injuries. They were immediately shifted to Government General Hospital, Kurnool, for treatment. In this connection, a case in Cr.No.78 of 2016 under Sections 337 and 338 IPC was registered on the file of Oravakal Police Station. Later, the same was investigated into and charge sheet was filed. It was further case of the petitioner that she received the following injuries:

a) Fracture illiach bone left side.

b) Segmental displaced fracture of left dislocation of left sacro illiach joint.

c) Fracture act obelum of left side.

d) Fracture interior public rami left side.

5. It was the further case of the petitioner that, she was shifted to NIMS, Hyderabad, for better treatment, where she

underwent surgery and metal rods were implanted. Thereafter, she was discharged with an advice to take bed rest. It was further case of the petitioner that, she was confined to bed and was unable to walk without the aid of a stick and was unable to stand and walk freely as she was before and facing inconvenience and pain. On account of the accident, the petitioner could not attend her P.G. medical examination which was scheduled to be held on 15.05.2016 and thereby she lost opportunity to prosecute higher studies. It was her further case that she was selected for the post of pediatrician/medical officer on contract basis for a period of one year under the recruitment of SNCC scheme in YSR Kadapa District. The monthly salary for the said post was Rs.49,000/- per month. As the petitioner met with accident, she could not join the said job thereby she lost the income for twelve months. In those circumstances, she filed the above petition seeking compensation of Rs.20,00,000/-.

6. The 2nd respondent-driver remained ex parte and did not choose to contest the matter. The 1st respondent-APSRTC filed counter affidavit resisting the claim of the petitioner. The 1st respondent denied the age and occupation of the petitioner. It was further contended that there was no negligence on the part of

the driver of the bus and contended that the accident was occurred as the container was parked on the wrong side of the road. It was further stated that the case was registered against the driver of the offending bus in order to claim compensation. It was further pleaded that if at all compensation has to be paid, the same has to be paid by the insurer of the container. It was further contended that the petition is bad for non-joinder of necessary parties as the owner and insurer of the container were not arrayed as party respondents to the claim petition. With the above pleadings, the 1st respondent prayed to dismiss the claim petition.

7. In order to prove the case of the petitioner, she was examined as PW.1 and Dr.J.Nagesh who issued disability certificate, was examined as PW.2. The disability certificate was marked as Ex.A6. Exs.A1 to A10 were marked on behalf of the petitioner. On the other hand, the driver of the offending bus was examined as RW.1. No documentary evidence is placed on behalf of the APSRTC. After thread bare enquiry, the Tribunal by order under challenge awarded compensation of Rs.15,63,000/-, together with interest @6% per annum under various heads. Aggrieved by the same, the present appeal is preferred by the APSRTC.

8. Heard learned counsel for the appellant and Sri D.Kodandarami Reddy, learned counsel appearing for the 1st respondent. Despite service of notice, there is no appearance for the 2nd respondent.

9. Perused the material available on record.

10. The counsel for the appellant would submit that the accident was occurred due to the negligence of the driver of the container who parked the same on the wrong side of the road and there was no negligence on the part of the 1st respondent/driver of the APSRTC bus. In order to prove the same, the appellant has examined the driver of the RTC bus as RW.1. A perusal of the evidence of RW.1 goes to show that he has deposed in tune with the averments made in the counter affidavit. In such circumstances, no credence can be given to the evidence of RW.1. Further, the respondent-APSRTC, for the reasons best known to it, did not give any complaint, against the driver of the said container, if at all there is any negligence on his part. In the absence of any complaint, it can be held that the driver of the offending bus was responsible for occurrence of accident. Apart from the same, the police of Oravakal Police Station has registered a case in Cr.No.78 of 2016 as against the driver of the

RTC bus. Later, the same was investigated into and charge sheet was filed against the driver of the RTC bus. A perusal of the contents of the said documents which were marked in Exs.A1 and A3 would go to show that the accident was occurred due to the negligence of the 1st respondent-driver of the RTC bus. In such circumstances, the contention of the counsel for the appellant cannot be accepted.

11. The counsel for the appellant would further contend that the quantum of compensation awarded by the Tribunal is excessive inasmuch as there is no disability for the petitioner to award compensation. In order to substantiate the said contention, as already noted *supra*, the APSRTC has miserably failed to examine any witness in that regard nor placed any documentary evidence before the Tribunal. On the contrary, the petitioner has filed various documents including wound certificate, disability certificate, discharge summary and other medical bills in support of her case. In this connection a perusal of the disability certification which was marked as Ex.A6, clearly shows that the petitioner has suffered disability of 25%. However, the Tribunal having considered the evidence of PW.2-who issued the disability certificate, had come to the conclusion that the disability suffered

by the petitioner cannot be more than 10 to 15%. Further, the Tribunal has also taken into consideration, the fact that the petitioner could not join the post of pediatrician/medical officer on contract basis for a period of one year and accordingly awarded compensation. In support of her case she has filed appointment order dated 24.05.2016, which was marked as Ex.A4. Apart from the same, she also filed various documentary evidences to show that she sustained injuries and she underwent surgery for the same. Appreciating the oral and documentary evidence placed before the Tribunal, the petitioner awarded compensation of Rs.15,63,000/- under various heads. Though the counsel for the appellant would submit that the same was excessive, as observed above, the appellant APSRTC did not adduce any evidence nor produced any documents in support of its contention. In the absence of any evidence on behalf of the appellant APSRTC, it cannot be said that the compensation awarded by the Tribunal was excessive. In the circumstances viewed from any angle, this Court does not find any merit in the present appeal and accordingly the same is dismissed.

There shall be no order as to costs.

As a sequel, pending applications, if any, shall stand closed.

JUSTICE T.C.D. SEKHAR

Dt.25.06.2026
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THE HONOURABLE SRI JUSTICE T.C.D. SEKHAR

MACMA No.112 of 2019
Date 25.06.2026

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