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APHC010513862014



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

**[3520]**

THURSDAY, THE 6<sup>th</sup> DAY OF AUGUST 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2814/2014**

**Between:**

1.THE AP STATE ROAD TRANSPORT CORPORATION, REP BY ITS  
 MANGING DIRECTOR CUM VICE CHAIRMAN O/O.MUSHEERABAD,  
 HYDERABAD.

**...APPELLANT**

**AND**

1.KURUVA SUBBA ARAYUDU DIED AS PER LRS 4 TO 7, S/O.K.ANKANNA,  
 HINDU, OFF LORRY DRIVER R/O.H.NO.2/1444-D, PEDDA PADAKANA, I-  
 TOWN, KURNOOL.

2.N KESHA GOUD, S/O.N.JAYANTHI GOUD, AGED MAJOR, OCC: OWNER  
 OF LORRY R/O.H.NO.44-19-A/10, PRAKASH NAGAR, KURNOOL.

3.THE DIVISIONAL MANAGER, M/S.NEW INDIA ASSUANCE CO LTD  
 O/O.HDCT COMPLEX, RAILWAY STATION ROAD, KURNOOL.

4.KURUVA SUDHAKAR S/O LATE KURUVA SUBBARAYUDU, HINDU,AGED  
 ABOUT 40 YEARS,R/O. 2/144D-A1,PEDDAPADAKHANA  
 STREET,KURNOOL DISTRICT, ANDHRAPRADESH 518001

5.KURUVA SURIBABU S/O LATE KURUVA SUBBARAYUDU, HINDU,AGED  
 ABOUT 38 YEARS,R/O. 2/144D-A1,PEDDAPADAKHANA  
 STREET,KURNOOL DISTRICT, ANDHRAPRADESH 518001

6.WADALA SULOCHANA D/O LATE KURUVA SUBBARAYUDU, HINDU,AGED ABOUT 35 YEARS,R/O. 3 -157,PAIGERI, BALAPALAPALLE,BETHANUCHERLA,KURNOOL DISTRICT, ANDHRAPRADESH - 518599

7.KURUVA SHAKUNTALA W/O LATE KURUVA SUBBARAYUDU, HINDU,AGED ABOUT 53 YEARS,R/O. 2/144-D-A1,PEDDAPADAKHANA STREET,KURNOOL DISTRICT, ANDHRA PRADESH 518001  
RESPONDENT NO.4 TO 7 ARE BROUGHT ON RECORD AS LR OF THE DECEASED 1ST RESPONDENT VIDE COURT ORDER DATE.23.04.2025 IN IA.NO.3/2024

**...RESPONDENT(S):**

Appeal filed under Order 41 of CPC before the High Court allow the appeal by setting aside the decree and judgment dated 19.03.2012 made in MVOP No.621/2008 on the file of the Chairman, Motor Accidents Claims Tribunal cum IV Addl. District Judge, Kurnool

**IA NO: 1 OF 2012(MACMAMP 5907 OF 2012)**

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 condone the delay of 65 days that has occurred in filing the present appeal in the interest of justice

**IA NO: 2 OF 2012(MACMAMP 6114 OF 2012)**

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 stay all further proceedings including the execution of the decree and judgment dated 19.03.2012 made in MVOP No.621/2008 on the file of the Chairman, Motor Accidents Claims Tribunal cum IV Addl. District Judge, Kurnool

**IA NO: 3 OF 2012(MACMAMP 7121 OF 2012)**

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 to vacate the interim stay passed in MACMAMP No. 6114 of 2012 in MACMASR No. 39946 of 2012 dated 26-9-2012 and pass

**IA NO: 1 OF 2016(XOBJ 15867 OF 2016)**

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

**IA NO: 1 OF 2024**

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 790 days in filing the Legal Representative

**IA NO: 2 OF 2024**

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 in filing Legal Representative petition, in the interest of justice and equity.

**IA NO: 3 OF 2024**

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 on record the petitioners/proposed respondents/L.Rs. of deceased Respondent No.1 herein prays that the Honourable Court may be pleased to implead them as respondents 4 to 7 in the MACMA, being the legal heirs/sons, daughter and wife of the deceased respondent No.1, in the interest of justice and equity

**Counsel for the Appellant:**

- 1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

**Counsel for the Respondent(S):**

- 1.A JAYA SANKARA REDDY
- 2.I MAAMU VANI
- 3.THOTA ASHOK KUMAR
- 4.A JAYANTHI

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**I.A.No.1 of 2016**

**In / and**

**M.A.C.M.A.No.2814 of 2014**

**COMMON JUDGMENT:**

**Introductory:**

1. Respondent No.1 / A.P.S.R.T.C in M.V.O.P.No.621 of 2008 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Kurnool (for short “the learned MACT”) filed the present appeal.
2. Respondent No.1 in this appeal is petitioner before the learned MACT, respondent Nos.2 and 3 are respondent Nos.2 and 3 before the learned MACT and respondent Nos.4 to 7 are the legal representatives of the original claimant-Kuruva Subbarayudu.
3. The claimant(s) filed Cross-Objection petition vide I.A.No.1 of 2016 (X OBJ 15867 of 2016). However, the office endorsement indicates that the records pertaining to the said Cross-Objection petition were not received from the erstwhile common High Court at Hyderabad following bifurcation. Pursuant to the directions of this Court dated 27.02.2026, the learned counsel for respondent Nos.4 to 7 filed a copy of the Cross-Objection with petition for the purpose of reconstruction of the Court record. Considering the representation of both sides, I.A.No.1 of 2016 filed on behalf of the claimants is allowed.
4. One Kuruva Subbarayudu-injured (hereinafter referred to as “the petitioner”) filed the claim petition in terms of Section 166 of the Motor Vehicles Act, claiming

compensation of Rs.6,00,000/- for the injuries suffered in a motor vehicle accident. He was travelling in lorry bearing No.AP 21 V 9993 owned by respondent No.2 and insured with respondent No.3. While he was travelling in the said lorry on 03.06.2008, A.P.S.R.T.C. bus bearing No.AP 28 Z 1757 (hereinafter referred to as “the offending vehicle”) dashed the lorry in a rash and negligent manner, causing the accident, resulting in injuries and disability to the petitioner. The offending vehicle is owned by respondent No.1 before the learned MACT (appellant herein).

5. Respondent No.4 to 7 herein are impleaded pursuant to the death of the original claimant during the pendency of the appeal by the A.P.S.R.T.C. They have filed cross-objections.

**Contention of the appellant / A.P.S.R.T.C:**

6. The contention of the appellant / A.P.S.R.T.C is that there was negligence on the part of the driver of the lorry. The claimants should have moved an application under the Workmen’s Compensation Act against the driver and Insurance Company of the lorry. There was no negligence on the part of the driver of A.P.S.R.T.C. bus. In any event, the claim should lie against the lorry and there is liability on the owner, driver and Insurance Company of the lorry. The legal representatives of the claimant by way of cross-objections, claimed that the learned MACT awarded a meagre compensation and ought to have considered the permanent functional disability of the claimant at 100% and that the compensation awarded is very low and requires enhancement.

7. For the sake of convenience, the parties will be hereinafter referred to as “the petitioners/claimants” and “the respondents” as and how they are arrayed before the learned MACT.

**Case of the claimants:**

8(i). On 03.06.2008 at about 05:00 p.m. the petitioner boarded the lorry carrying coal bearing No.AP 21 V 9993 at Chandrapoor to proceed to Mysore in Karnataka. On 04.06.2008 at about 7:00 p.m., at Bharath Gas Factory near Dupadu, Kurnool Town, the A.P.S.R.T.C. bus / the offending vehicle came at a high speed in a rash and negligent manner and dashed the lorry. As a result of which, the petitioner / driver of the lorry sustained multiple injuries. He was shifted to Government General Hospital, Kurnool, where he has taken treatment and incurred medical expenditure of Rs.50,000/-. On his report, Crime No.57 of 2008 was registered. The negligence of the driver of the A.P.S.R.T.C Bus / offending vehicle is the cause for accident.

(ii). The petitioner was hale and healthy, aged about ‘39’ years, earning Rs.3,000/- per month as salary and Rs.3,000/- towards ‘batta’ by the date of accident. But, due to the accident, his right leg was amputated and he could not attend to his duties as a regular driver. The claim is made against the A.P.S.R.T.C as well as the lorry for joint and several liability.

**Case of respondent No.1 / A.P.S.R.T.C.:**

9. The negligence on part of the driver of the A.P.S.R.T.C bus is not correct. The petitioner himself is responsible for the accident, being the driver of the lorry and driving the same in a rash and negligent manner.

10. Respondent No.2, the owner of the lorry remained *ex parte*.

**Case of respondent No.3 / Insurance Company:**

11(i). Respondent No.3 / Insurance Company of the lorry claimed that there was no negligence on the part of the petitioner, the driver of the lorry. The driver of the A.P.S.R.T.C bus alone was negligent. Hence, respondent No.1 before the learned MACT alone is liable to pay compensation.

(ii). The petitioner shall prove the pleaded accident, age, occupation, income and other material particulars, including his valid and effective driving licence.

(iii). Further, it is also claimed by the Insurance Company that the driver of the A.P.S.R.T.C bus was charge-sheeted and prosecuted under Exs.A1 and A2. Therefore, respondent No.3 / Insurance Company is not liable.

**Findings of the learned MACT:**

12. The incident was witnessed by the cleaner who was preset in the lorry. He sustained multiple injures. FIR and charge-sheet *vide* Exs.A1 and A2, reveal the circumstances under which the accident occurred. The evidence of R.W.1, the driver of the A.P.S.R.T.C. bus would show that he was prosecuted by the Ulindakonda Police by filing a charge-sheet on the file of the Judicial First Class Magistrate, Kurnool. The FIR under the original of Ex.P1 and charge-sheet under the original of Ex.P2 were filed against him and that he did not give any report.

13. The negligence on the part of the R.W.1, the driver of the A.P.S.R.T.C bus, is acceptable. Therefore, the A.P.S.R.T.C is liable to pay compensation.

14. The petitioner suffered the following four injuries:

1. A lacerated injury present over the fore head size 5 x 2 cm red in colour.
2. Knee size 2 x 4 red in colour.

3. A lacerated injury present in Right leg below the Knee 4 x 2 cm red in colour.

4. A lacerated injury present over the left thumb and his right leg was amputated.

15. P.W.2, the Orthopedic Surgeon who treated P.W.1 and conducted the operation, deposed about the treatment, operation and amputation over right below knee. He further stated that the petitioner was admitted into the hospital on 10.06.2008 and discharged on 28.07.2008.

16. The income of the petitioner/claimant can be considered at Rs.3,000/- per month and batta at Rs.2,000/- per month, totaling Rs.5,000/- per month, which comes to Rs.60,000/- per annum. 1/3rd was deducted towards the personal expenditure. Thereafter, Rs.40,000/- was capitalized. Multiplier '16' is applicable. When the same is applied, entitlement comes to Rs.6,40,000/-. The permanent disability is taken at 50%. Therefore, the entitlement comes to Rs.3,20,000/- under the head of functional disability. The petitioner is further entitled for Rs.20,000/- towards pain and suffering and Rs.20,000/- towards loss of amenities of life, Rs.30,000/- towards medicinal expenditure and Rs.40,000/- towards loss of earnings and incapacity to earn. In all the total entitlement comes to Rs.4,30,000/-.

**Arguments in the appeal:**

**For the appellant / A.P.S.R.T.C:**

17(i). Negligence on the part of the petitioner, the driver of the lorry should have been considered.

(ii). The evidence of R.W.1 is ignored.

- (iii). The disability is taken excessively.
- (iv). The compensation awarded is excessive.

**For the respondents/ legal representatives / claimants:**

- 18(i). Deducting 1/3<sup>rd</sup> towards personal expenditure in the injury case is not correct.
- (ii). Taking the disability at 50% is not correct.
- (iii). Compensation under all heads is not awarded.
- 19. Heard both sides extensively. Perused the record. Thoughtful consideration is given to the arguments advanced by both sides.
- 20. Now, the points that arise for determination in this appeal are:
  - 1) Whether the compensation awarded at Rs.4,30,000/- by the learned MACT and the imposition of liability on the appellant A.P.S.R.T.C. (respondent No.1 before the learned MACT) are proper or require any interference, and if so, on what ground and to which extent?
  - 2) What is the result of the appeal?

**Point No.1:**

**Accident and Negligence:**

**Statutory Guidance:**

- 21(i). As per Section 176 of the Motor Vehicles Act, the State Governments are entitled to make rules for the purpose of carrying effect to the provisions of the Motor Vehicles Act.
- (ii). In relation to claims before the learned MACT, Rule 455 to Rule 476 of the A.P. Motor Vehicles Rules, 1989, vide Chapter No.11 provides comprehensive guidance. As per Rule 476 of the A.P. Motor Vehicles Rules, 1989, the claims Tribunal shall

proceed to award the claim basing on the registration certificate of the vehicle, insurance policy, copy of FIR and Post- mortem certificate etc.

**Precedential Guidance:**

22. The Hon'ble Apex Court in ***Bimla Devi and others Vs. Himachal Road Transport Corporation***<sup>1</sup>, in para 15 observed as follows:

*“15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties..”*

23(i). P.W.1 is the claimant and injured. He has denied the negligence on his part and asserted that the accident occurred due to the negligence on the part of the driver of the A.P.S.R.T.C. bus.

(ii). During his cross examination, nothing is elicited and he has specifically stated that no report was given against him.

24. R.W.1 is the driver of the offending vehicle. During his cross-examination, he has admitted that the Police filed a criminal case against him for his rash and negligent driving of the offending vehicle. Interestingly, he stated that he do not know about the pendency of the said case. He has also admitted that he did not give any report against the petitioner for accident and that he was released on bail in criminal case filed against him.

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<sup>1</sup> 2009 (13) SCC 530

25. The evidence of R.W.1 suggests that he was speaking in disguise. In view of the evidence of P.W.1 and the admissions of R.W.1 and in the light of the statutory guidance and precedential guidance, without any hesitation, the findings of the learned MACT as to the negligence of the driver of the offending vehicle / bus being the cause for the accident is found fit to be accepted and concurred with. There is no material available to take a contra view. Accordingly, the negligence of the driver of the A.P.S.R.T.C bus is accepted as the cause for the accident.

**Quantification of compensation:**

26(i). The petitioner is the driver of the offending vehicle at the relevant time and the same is not in dispute.

(ii). P.W.2, the doctor who treated the petitioner, deposed that he is a retired Orthopedic Surgeon.

(iii). On 10.06.2008, the petitioner was admitted into the hospital and below-knee amputation of the right leg was done by operation on 10.06.2008.

(iv). On 11.07.2008, debridement was done for the below-knee amputee.

(v). On 22.07.2008, skin grafting was done for the raw area over the right below-knee amputee.

(vi). The Petitioner was discharged from the hospital on 28.07.2008.

(vii). Ex.A5 is the disability certificate issued by the Medical Board assessed the disability at 70%. The Petitioner cannot drive any vehicle.

(viii). It was suggested to P.W.2 that the disability is to be assessed at 50%.

27. If functional disability is taken into consideration, the petitioner, who was driver at the time of the accident, he is unable to discharge his duties as a driver. Therefore, his functional disability can be accepted at 100%.

**Precedential Guidance:**

28. A reference to parameters, for quantifying the compensation under various heads, addressed by the Hon'ble Apex Court is found necessary, to have standard base in the process of quantifying the compensation, to which the claimant is entitled.

(i) With regard to awarding just and reasonable quantum of compensation, the Hon'ble Supreme Court in ***Baby Sakshi Greola vs. Manzoor Ahmad Simon and Anr.***<sup>2</sup>, arising out of SLP(c).No.10996 of 2018 on 11.12.2024, considered the scope and powers of the Tribunal in awarding just and compensation within the meaning of Act, after marshaling entire case law, more particularly with reference to the earlier observations of the Hon'ble Supreme Court made in ***Kajal V. Jagadish Chand and Ors.***<sup>3</sup>, referred to various heads under which, compensation can be awarded, in injuries cases vide paragraph No.52, the heads are as follows:-

| S. No. | Head                                       | Amount (In ₹)  |
|--------|--------------------------------------------|----------------|
| 1.     | Medicines and Medical Treatment            | xxxxx          |
| 2.     | Loss of Earning Capacity due to Disability | xxxxx          |
| 3.     | Pain and Suffering                         | xxxxx          |
| 4.     | Future Treatment                           | xxxxx          |
| 5.     | Attendant Charges                          | xxxxx          |
| 6.     | Loss of Amenities of Life                  | xxxxx          |
| 7.     | Loss of Future Prospect                    | xxxxx          |
| 8.     | Special Education Expenditure              | xxxxx          |
| 9.     | Conveyance and Special Diet                | xxxxx          |
| 10.    | Loss of Marriage Prospects                 | xxxxxx         |
|        | Total                                      | Rs. ... xxxxxx |

<sup>2</sup>2025 AIAR (Civil) 1

<sup>3</sup>2020 (04) SCC 413

(ii). Hon'ble Apex Court in ***Yadava Kumar Vs. Divisional Manager, National Insurance Company Limited and Anr.***,<sup>4</sup> vide para No.10, by referring to ***Sunil Kumar Vs. Ram Singh Gaud***<sup>5</sup>, as to application of multiplier method in case of injuries while calculating loss of future earnings, in para 16 referring to ***Hardeo Kaur Vs. Rajasthan State Transport Corporation***<sup>6</sup>, as to fixing of quantum of compensation with liberal approach, valuing the life and limb of individual in generous scale, in para 17 observed that :-

*“The High Court and the Tribunal must realize that there is a distinction between compensation and damage. The expression compensation may include a claim for damage but compensation is more comprehensive. Normally damages are given for an injury which is suffered, whereas compensation stands on a slightly higher footing. It is given for the atonement of injury caused and the intention behind grant of compensation is to put back the injured party as far as possible in the same position, as if the injury has not taken place, by way of grant of pecuniary relief. Thus, in the matter of computation of compensation, the approach will be slightly more broad based than what is done in the matter of assessment of damages. At the same time it is true that there cannot be any rigid or mathematical precision in the matter of determination of compensation.”*

(iii). In ***Rajkumar Vs. Ajay Kumar and Another***<sup>7</sup>, the Hon'ble Apex Court summarized principles to be followed in the process of quantifying the compensation after referring to socio economic and practical aspects from which, the claimants come and the practical difficulties, the parties may face in the process of getting disability assessed and getting all certificates from either the Doctors, who treated, or from the medical boards etc. principles summarized *vide* para No.19 are as follows:

**19.** *We may now summarise the principles discussed above:*

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<sup>4</sup>2010(10)SCC 341

<sup>5</sup> 2007 (14) SCC 61

<sup>6</sup> 1992(2) SCC 567

<sup>7</sup> 2011 (1) SCC 343

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that the percentage of loss of earning capacity is the same as the percentage of permanent disability).

(iii) The doctor who treated an injured claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard to the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

(iv) In **Sidram vs. United India Insurance Company Ltd. and Anr.**<sup>8</sup> vide para No.40, the Hon'ble Apex Court referred to the general principles relating to compensation in injury cases and assessment of future loss of earning due to permanent disability by referring to **Rajkumar's** case, and also various heads under which compensation can be awarded to a victim of a motor vehicle accident.

(v) In **Sidram's** case, reference is made to a case in **R.D. Hattangadi V. Pest Control (India) (P) Ltd.**<sup>9</sup>. From the observations made therein, it can be understood that while fixing amount of compensation in cases of accident, it involves some guess work, some hypothetical consideration, some amount of sympathy linked with the nature of the disability caused. But, all these elements have to be viewed

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<sup>8</sup> 2023 (3) SCC 439

<sup>9</sup> 1995 (1) SCC 551

with objective standards. In assessing damages, the Court must exclude all considerations of matter which rest in awarding speculation or fancy, though conjecture to some extent is inevitable.

### **Analysis:**

29. The pleaded income of the petitioner is Rs.6,000/- per month. The learned MACT has taken the income at Rs.5,000/- per month towards salary and batta. Although the same is not proved by cogent evidence, taking into consideration the socio-economic circumstances of the year 2008, in which the accident occurred, Rs.5,000/- per month can be accepted, including the addition towards the future prospects. Accordingly, the income of the petitioner / injured can be accepted at Rs.5,000/- per month and Rs.60,000/- per annum. Instead of taking the disability at 50%, it can be taken at 100% in view of amputation. Thereby, the loss of income to the petitioner can be accepted at Rs.60,000/- per annum. The applicable multiplier is '15', whereby the entitlement of petitioner for compensation under the head of loss of income comes to 9,00,000/- (Rs.60,000/- x 15). Deduction of 1/3<sup>rd</sup> towards personal expenditure is also not necessary, as the claim is by the injured.

30. In view of the discussion made above, the entitlement of the claimants for reasonable compensation in comparison to the compensation awarded by the learned MACT is found as follows:

| Sl. No. | Head               | Granted by the learned MACT | Fixed by this Appellate Court |
|---------|--------------------|-----------------------------|-------------------------------|
| 1.      | Pain and suffering | Rs.20,000/-                 | Rs.50,000/-                   |
| 2.      | Extra nourishment  | -Nil-                       | Rs.15,000/-                   |

|    |                                                            |               |                                                                                                                                 |
|----|------------------------------------------------------------|---------------|---------------------------------------------------------------------------------------------------------------------------------|
| 3. | Medical expenditure/treatment                              | Rs.30,000/-   | <b>Rs.50,000/-</b>                                                                                                              |
| 4. | Attendant charges                                          | -Nil-         | <b>Rs.15,000/-</b>                                                                                                              |
| 5. | Transportation                                             | -Nil-         | <b>Rs.15,000/-</b>                                                                                                              |
| 6. | Loss of income due to disability                           | Rs.3,20,000/- | <b>Rs.9,00,000/-</b>                                                                                                            |
| 7. | Loss of earnings during the period of hospitalization etc. | Rs.40,000/-   | <b>Rs.40,000/-</b>                                                                                                              |
| 8. | Loss of Amenities of Life                                  | Rs.20,000/-   | <b>Rs.15,000/-</b>                                                                                                              |
|    | <b>Total:</b>                                              | Rs.4,30,000/- | <b>Rs.11,00,000/-</b>                                                                                                           |
|    | <b>Interest (per annum)</b>                                | 9%            | <b>6%</b><br>Considering the facts and circumstance of the case and the long lapse of time, interest is awarded at 6% per annum |

31. For the reasons aforesaid and in view of the discussion made above, the point framed is answered concluding that the claimants are entitled for compensation of Rs.11,00,000/- with interest at the rate of 6% per annum from the date of petition till the date of realization and the order and decree dated 19.03.2012 passed by the learned MACT in M.V.O.P.No.621 of 2008 require modification accordingly.

**Granting of more compensation than what claimed, if the claimants are otherwise entitled:-**

32. The legal position with regard to awarding more compensation than what claimed has been considered and settled by the Hon'ble Supreme Court holding that there is no bar for awarding more compensation than what is claimed. For the said preposition of law, this Court finds it proper to refer the following observations of the Hon'ble Supreme Court made in:

(1) **Nagappa Vs. Gurudayal Singh and Others**<sup>10</sup>, at para 21 of the judgment, that:—

*“..there is no restriction that the Tribunal/Court cannot award compensation amount exceeding the claimed amount. The function of the Tribunal/Court is to award “just” compensation, which is reasonable on the basis of evidence produced on record.”*

(2) **Kajal Vs. Jagadish Chand and Ors.**<sup>11</sup> at para 33 of the judgment, as follows:-

*“33. We are aware that the amount awarded by us is more than the amount claimed. However, it is well settled law that in the motor accident claim petitions, the Court must award the just compensation and, in case, the just compensation is more than the amount claimed, that must be awarded especially where the claimant is a minor.”*

(3) **Ramla and Others Vs. National Insurance Company Limited and Others**<sup>12</sup> at para 5 of the judgment, as follows:-

*“5. Though the claimants had claimed a total compensation of Rs 25,00,000 in their claim petition filed before the Tribunal, we feel that the compensation which the claimants are entitled to is higher than the same as mentioned supra. There is no restriction that the Court cannot award compensation exceeding the claimed amount, since the function of the Tribunal or Court under Section 168 of the Motor Vehicles Act, 1988 is to award “just compensation”. The Motor Vehicles Act is a beneficial and welfare legislation. A “just compensation” is one which is reasonable on the basis of evidence produced on record. It cannot be said to have become time-barred. Further, there is no need for a new cause of action to claim an enhanced amount. The courts are duty-bound to award just compensation.”*

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<sup>10</sup> (2003) 2 SCC 274

<sup>11</sup> 2020 (04) SCC 413

<sup>12</sup> (2019) 2 SCC 192

**Point No.2:**

33. In the result,

- (i) The appeal filed by the A.P.S.R.T.C vide M.A.C.M.A.No.2814 of 2014 is dismissed.
- (ii) Cross objections filed on behalf of the claimants vide I.A.No.1 of 2016 (XOBJ 15867 of 2016) are allowed.
- (iii) Compensation awarded by the learned MACT in M.V.O.P.No.621 of 2008 at Rs.4,30,000/- with interest at the rate of 9% per annum is modified and enhanced to Rs.11,00,000/- with interest at the rate of 6% per annum from the date of petition till the date of realization.
- (iv) Claimant(s) before the learned MACT / Respondent Nos.4 to 7 herein are liable to pay the Court fee for the enhanced part of the compensation, before the learned MACT.
- (v) The enhanced compensation amount shall be apportioned equally among all the claimants.
- (vi) Respondent No.1 before the learned MACT i.e. A.P.S.R.T.C is liable to pay the compensation.
- (vii) Time for payment/deposit of the balance amount is one month.
  - (a) If the claimants/ respondent Nos.4 to 7 herein furnish the bank account number within 15 days from today, Respondents No.1 / A.P.S.R.T.C. shall deposit the amount directly into the bank account of the claimant and file the necessary proof before the learned MACT.

(b) If the claimants fail to comply with (vii)(a) above, respondent No.1 / A.P.S.R.T.C shall deposit the amount before the learned MACT and the claimant is entitled to withdraw the amount at once on deposit.

(viii) There shall be no order as to costs in the appeal.

34. As a sequel, miscellaneous petitions, if any, pending in the appeal shall stand closed.

**A. HARI HARANADHA SARMA, J**

Date:06.08.2026

Knr

Whether the order is:

|            |  |                |   |
|------------|--|----------------|---|
| Speaking   |  | Reasoned       | ✓ |
| Reportable |  | Non-reportable | ✓ |

**HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA**

**M.A.C.M.A.No.2814 of 2014**

**06.08.2026**

KnR