APHC010023332008

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3396]
(Special Original Jurisdiction)

TUESDAY, THE 8th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2848/2008

Between:

1. GALLA APPA RAO, S/O.APPANNA, HINDU ASST.ELECTRICAL LINEMEN, AP TRANSCO R/O.VIRAVADA VILLAGE, PITHAPURAM MANDAL, PDMC., EAST GODAVARI DISTRICT.

...APPELLANT

AND

1. PATNALA RAJU, S/O.PANAKALU R/O.DRIVER OF LORRY NO.AP 5 U 3179 R/O.SRI RAYAVARAM COLONY, ELESWARAM, EAST GODAVARI DISTRICT.
2. PULAGAM LAKSHMI, W/O.SATHIREDDY, HINDU OWNER OF LORRY NO.AP 5 U 3179 R/O.OPP.TO VENKATESWARA THEATRE, YELESWARAM VILLAGE, PRATHIPADU DMC.
3. NATIONAL INSURANCE CO LTD, REP BY ITS DIVISIONAL MANAGER O/O.SRI COMPLEX, SUBASH ROAD, KAKINADA.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court

IA NO: 1 OF 2008(MACMAMP 2588 OF 2008

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 221 days in representing the MACMASR No.37694 of 2007

IA NO: 2 OF 2008(MACMAMP 2589 OF 2008

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 17 days in filing the MACMASR No.37694 of 2007

Counsel for the Appellant:

1. JOSYULA BHASKARA RAO

Counsel for the Respondent(S):

1. S A V RATNAM
2.

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2848/2008

JUDGMENT:-

1. The present appeal is preferred by the appellant/claimant/injured, challenging the award dated 30.04.2007 passed in M.V.O.P.No.592 of 2004 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, East Godavari, Kakinada (for short, "the Tribunal"), whereby the Tribunal awarded a sum of Rs.17,093/- as compensation as against the claim of Rs.4,00,000/- for the injuries sustained by him in a motor vehicle accident, seeking enhancement of the compensation.

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

3. The brief case of the claimant before the Tribunal is that on 05.05.2003, while the petitioner/injured, after completion of his work, was returning to his village on his bicycle and when he reached near Cheruvu, Viravada Village, a lorry bearing No. AP 5 U 3179 (for short, "the offending vehicle"), driven by the 1st respondent in a rash and negligent manner at high speed, came from behind and its front wheel ran over the right leg of the petitioner, resulting in grievous injuries.

4. Before the Tribunal, respondent Nos.1 and 2 remained ex parte. Respondent No.3-Insurance Company filed its written statement denying the averments made in the claim petition and disputing the manner of the

accident, the injuries sustained by the petitioner and the alleged disability. It was further contended that the compensation claimed by the petitioner was highly excessive and that there was no negligence on the part of the driver of the offending lorry.

5. Basing on the above pleadings, the Tribunal settled the following issues for trial:

1) *Whether the accident occurred due to rash and negligent driving of the 1st respondent-driver of a lorry bearing No. AP 5 U 3179 resulting in injuries to the petitioner?*
2) *Whether the petitioner is entitled to claim compensation, if so, to what amount and from which of the respondent?*

6. The Trial went on and during the course of trial, on behalf of the petitioners, P.Ws.1 and 2 were examined and Exs.A1 to A6 were marked. On behalf of the respondents, no oral evidence is adduced but Ex.B.1 is marked.

7. After hearing both sides and on appreciation of the evidence on record, the Tribunal held that the accident occurred due to the rash and negligent driving of the driver of the lorry and accordingly awarded an amount of Rs.17,093/- with interest at the rate of 6% per annum against all the respondents.

8. Being aggrieved by the quantum of compensation awarded by the Tribunal, the appellants/claimants preferred the present appeal seeking enhancement of compensation.

9. Heard Sri Josyula Bhaskara Rao, learned counsel for the appellant/claimant and Ms.S.A.V.Ratnam, learned Standing Counsel appearing for the respondent No.3/Insurance Company.

10. Learned counsel for the appellant/claimant would submit that though a disability certificate, vide Ex.A4, was issued by the Government Hospital, Kakinada, the same was not put to P.W.2, the doctor who was examined from the very same hospital. In view of the same, learned counsel submits that the matter may be remanded to the learned Tribunal by giving an opportunity to the appellant/claimant to place the relevant material and adduce necessary evidence to establish the factum of amputation and that the appellant/claimant is suffering from 45% disability.

11. Learned counsel for the respondent/Insurance Company would submit that the Court may take appropriate decision regarding the remand of the matter. However, it is contended that, in the event of remand, the Insurance Company may also be given an opportunity to cross-examine the concerned doctor and to contest the genuineness, validity and evidentiary value of the disability certificate and the percentage of disability claimed by the appellant/claimant.

12. Perused the record.

13. In the light of the submissions made by the learned counsel on record and having regard to the fact that this is a case of amputation and that Ex.A4-disability certificate, though filed before the Tribunal, was not established

through the evidence of P.W.2, this Court is of the considered view that, in the interest of justice, an opportunity is required to be given to the appellant/claimant to establish the extent of disability suffered by him on account of the amputation.

14. In view of the same, as requested by the learned counsel appearing for the appellant/claimant, the M.A.C.M.A. is allowed. The impugned award is set aside and the matter is remanded to the learned Tribunal for fresh consideration. Both parties shall appear before the learned Tribunal on 22.09.2026. The learned Tribunal shall afford an opportunity to the appellant/claimant to establish the extent of disability suffered by him, particularly in the light of the amputation said to have been caused due to the injuries sustained in the accident. The Insurance Company shall also be given an opportunity to cross-examine the concerned witness and contest the claim. The learned Tribunal shall thereafter conclude the trial and dispose of the matter afresh, in accordance with law, within a period of two months from the date of this order.

15. The Registry is directed to send back the trial Court record to the concerned Tribunal through a special messenger. The learned Tribunal need not issue any fresh notice to the parties. The learned counsel appearing before this Court are directed to instruct their respective parties to appear before the learned Tribunal on 22.09.2026 and pursue their remedies in accordance with law.

As a sequel thereto, all pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Dr. JUSTICE VENKATA JYOTHIRMAI PRATAPA

Date: 08.09.2026.
Note: Issue CC by tomorrow,
B/o.
UPS

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

16

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Dt.08.09.2026

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