



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

[3333]

**TUESDAY, THE SEVENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 236/2023

Between:

1.THE A.P.S.R.T.C., REP. BY ITS REGIONAL MANAGER, R.M OFFICE
ITS MANAGER A.P.S.R.T.C. BUS-STAND, KADAPACITY, Y S R
KADAPA DISTRICT.

...APPELLANT

AND

1.SHAIK MAHAMMAD SHABEER, S/O SHAIK IMMAM SAHEB, AGED 45
YEARS, MUSLIM, AGRICULTURE, RESIDING AT IMAM NAGAR,
VEMPALLI TOWN, VEMPALLI MANDAL, YSR KADAPA DISTRICT.

2.G RATNA RAJU, S/O IJAIAH, AGED 54 YEARS, DRIVER OF
A.P.S.R.T.C BUS BEARING NO. AP-04-Z-0126, A.P.S.R.T.C DEPOT,
PULIVENDULA TOWN, KADAPA CITY AND DISTRICT. (2ND
RESPONDENT IS NOT A NECESSARY PARTY)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtpleased to
allow the appeal by sating aside the Judgment and decree passed by the
order and decree dated 17/10/2022 passed in MVOP No. 103 of 2018 On the
file of the Motor Accidents Climes Tribunal cum I Additional District Judge,
Kadapa to pass

IA NO: 1 OF 2023

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 condone the delay of 20 days in filling the appeal against

M.V.O.P.No. 103 of 2018, dated 17-10-2022 on the file of Motor Accident Claims Tribunal cum I Additional District Judge, Kadapa and to pass

IA NO: 2 OF 2023

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 grant stay of operation of Decree and Award dated 17/10/2022 passed in M.V.O.P No. 103 of 2018 on the file of Motor Accidents Claims Tribunal Cum I Additional District Judge, Kadapa and pass

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 APSRTC has preferred the present appeal challenging the order and decree dated 17.10.2022 passed in M.V.O.P.No.103 of 2018 on the file of the Motor Vehicle Accident Claims Tribunal-cum-I Additional District Judge, Kadapa, wherein the Tribunal awarded compensation of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the petitioner, as against the claim of Rs.2,59,100/-, on account of damages caused to his borewell and motor by the 2nd respondent.

02. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

03. The case of the claimants, in brief, is as follows:

a) The petitioner owns an extent of Ac.1.50 cents in Sy.No.349, situated in the outskirts of Vempalli town on the Vempalli–Pulivendla main road. About four years prior to filing of this petition, the petitioner dug a borewell to a depth of 500 feet and laid casing pipe to a length of 200 feet, incurring Rs.100/- per foot. He also installed a 7½ HP submersible motor of Texmo company worth Rs.34,000/-. It is pleaded that on 20.12.2016, between 9:00 a.m. and 10:00 a.m., the petitioner and his friend, Sesha Reddy, were present in the field. At that time, the 2nd respondent, who is the driver of the 1st respondent APSRTC bus bearing No.AP-04-Z-0126, came from the Pulivendula side in a rash and negligent manner at high speed, went beyond the road, and dashed against the borewell, resulting in complete damage to the motor and pipes. The 2nd

respondent/driver and his elders requested the petitioner and promised to pay damages but did not keep their promise. Therefore, the petitioner could not lodge a complaint immediately. Subsequently, having lost faith in the 2nd respondent, the petitioner lodged a complaint on 25.03.2017, basing on which the police registered a case in Crime No.36 of 2017 of Vempalli Police Station.

b) The petitioner pleaded that a bore mechanic removed the damaged pipes and motor and estimated the loss at Rs.2,00,000/-. The petitioner furnished a list of the property damaged. He further pleaded that, as on the date of the accident, he had raised a tomato crop in his field, which dried up due to lack of water supply as the borewell was damaged. He incurred Rs.20,000/- for raising the crop and expected a yield worth Rs.30,000/-, which was also lost. In the circumstances, the petitioner claimed Rs.2,59,100/- with interest at 9% per annum as compensation from both the respondents.

04. The 1st respondent/APSRTC filed a counter denying the averments made in the petition, contending that at the time of the accident, some buffaloes came onto the road from the right side to the left side. Immediately, the driver took the bus to the left side of the road and stopped it beside a transformer to avoid a major accident. The 1st respondent denied rash and negligent driving on the part of the bus driver. It is pleaded that the petitioner influenced the police in registering the case after three months with an intention to claim compensation. The 1st respondent further pleaded that the petitioner ought to have intimated the respondent about the accident so that a

surveyor could be deputed to assess the damages. In the present case, the petitioner did not inform the respondent, thereby depriving them of assessing the actual damages. It is also pleaded that the documents filed by the petitioner are self-created and that the compensation claimed is excessive. Hence, it was prayed to dismiss the petition.

05. The 2nd respondent filed a counter stating that the police complaint was lodged with a delay of three months. According to him, the case is false and he did not cause any accident. It is also pleaded that the compensation claimed is excessive. The 2nd respondent denied all the averments made in the petition and prayed for dismissal of the petition.

06. Basing on the pleadings, the Tribunal framed the following issues for trial:

“1. Whether the petitioner sustained damages to his bore well and motor occurred on 20.12.2016 due to rash and negligent driving of the driver of A.P.S.R.T.C. bus bearing No.AP-04-Z-0126?

2. Whether the petitioner is entitled for compensation, if so, to what amount and from whom?

3. To what relief?

07. On behalf of the petitioner, he himself was examined as P.W.1 and marked Exs.A1 to A5. The respondents did not adduce any evidence.

08. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal partly allowed the claim petition as follows:

“In the result, the petition is partly allowed with proportionate costs, awarding compensation of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with subsequent interest at 7.5% p.a., from the date of filing of the petition till the date of realization.

(I) The Respondents 1 and 2 are jointly and severally liable to pay the said compensation amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) along with costs and interest thereon as above within ONE MONTH from the date of this judgment.

ii) On such deposit of the said amount by the respondents, petitioner is permitted to withdraw entire amount of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) with costs and interest as stated above forthwith.

lii) The Advocate fee is fixed at Rs.2,000/- (Rupees Two Thousand only).”

09. Aggrieved by the said award, the appellant/APSRTC preferred this appeal on the ground that the Tribunal ought to have appreciated the fact that the petitioner failed to establish negligent driving on the part of the RTC driver of the bus bearing No.AP-04-Z-0126, which allegedly resulted in the accident on 20.12.2016. It is further contended that there was no negligence on the part of the driver of the APSRTC bus, and that the FIR was lodged only on 25.03.2017, based on which the police registered a case in Crime No.36 of 2017 of Vempalli Police Station. Therefore, there is a delay in lodging the FIR, which ought not to have been considered by the Tribunal.

10. Heard Mr.Aravala Rama Rao, learned Standing Counsel for the appellant and Mr.D.Kodandarami Reddy, learned counsel for the petitioner.

11. Now the point for consideration is:

Whether the order of the Tribunal needs any interference?

POINT:

12. On a perusal of the impugned award, it can be observed that the petitioner examined himself as P.W.1, deposing with regard to the nature of the accident, and also marked Exs.A1 to A5 in support of his case. P.W.1 categorically stated that he is the owner of an extent of Ac.1.50 cents of land in Sy.No.349, situated in the outskirts of Vempalli town, abutting the Vempalli-Pulivendla main road. On 20.12.2016, between 9-00 to 10-00 a.m., while he and his friend, one Sesha Reddy were present in his field near the borewell, the 2nd respondent, who was the driver of the APSRTC bus, came from the Pulivendla side in a rash and negligent manner at high speed, went beyond the road, and hit the borewell and its motor, resulting in complete damage, with the pipes being crushed and fell inside the bore well. He further stated that the 2nd respondent and his elders requested him not to lodge any criminal case and promised to compensate the damages. Believing the said promise, the petitioner did not lodge a complaint before the police immediately. However, as the 2nd respondent failed to keep up his promise, the petitioner, having no other remedy, lodged a complaint on 25.03.2017 against the 2nd respondent, which was registered as Crime No.36 of 2017 by Vempalli Police Station. It is an admitted fact that no evidence was adduced on behalf of the respondents and no documents were marked. Considering the evidence of P.W.1 coupled with Exs.A1 to A5, the Tribunal answered issue No.I in favour

of the petitioner and held that the petitioner established the occurrence of the accident and resultant damages to his motor in the course of said accident.

13. Now coming to the quantum, as per Ex.A3/estimate bills issued by Sri Kanyaka Parameswari Agencies, Vempalli for Rs.81,000/- and Rs.87,000/-, the Tribunal awarded a lump sum amount of Rs.1,50,000/- towards damages to the motor and borewell, in the absence of any rebuttal evidence from the respondents.

14. Viewed from any angle, this Court does not find any grounds to interfere with the award impugned in the appeal.

15. In the result, this appeal is dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V. SUJATHA

Date: 07.04.2026
KGR