

BEFORE THE CHAIRMAN, MOTOR ACCIDENTS CLAIMS TRIBUNAL-CUM-
COURT OF THE I ADDITIONAL CHIEF JUDGE, CITY CIVIL COURT,
AT SECUNDERABAD.

**Present : SRI A. VEERAI AH,
Chairman MACT-cum-I ACJ**

MONDAY THIS THE 4th DAY OF NOVEMBER, 2024

M.V.O.P. NO. 841 OF 2022

Between:

1. Vallapu Yadamma, W/o Late Vallapu Raju,
Age 46 Years, Occ: House Hold
2. Vllepu Babu, S/o Late. Vallapu Raju,
Age: 32 Years, Occ: Nill,

Both are R/o.H.No:1-117, Shamirpet Village,
Shamirpet M1, Medchel-Malkajgiri, Dt.,
TS – 500078, Presently R/o: Plot No.2,
Akbar pet, Secunderabad-500009.

--Petitioners

AND

1. Sanga Rayamallu, S/o Lasmaiah
Age: Major, Occ: Business,
R/o: 9-79, Medaram Village,
Dharmaram, Dharmaram Karim Nagar
District., TS-505416,
(Owner of the crime vehicle Bus B. No:TS 22 T 7049)
2. THE NEW INDIA ASSURANCE CO.LTD.
Rep by its Deputy Manager,
Motor third Party Claim Hub-610000
New India Bhavan, Plot No.1,2,3,
Survey No: 1, Industrial Development Area,
(Adj to Hindhu Office Building Habsiguda,
Uppal, Hyderabad-500007

(Policy No: 61060431210300001595
Valid from 09.12.2021 to 08.12.2022)
3. Srinivas Udutha, S/o. Bakkaiah,
Age: Major, Occ: Driver,
R/o: Kurukyala, Gangadhara,

Gangadhara, Karim Nagar dt.505445
(Driver of the crime vehicle Bus B.No.
TS 22 T 7049)

--- Respondents

This petition came before me on 03.09.2024 for final hearing in the presence of **Sri. T.V.L.Narsimha Reddy, Advocate** for the Petitioners and of **Smt.P.Vishwajanani, Advocate** for Respondent No.2 and Respondents No.1 and 3 remained ex parte and the matter having been heard and stood over for consideration till this day, the Court passed the following :-

ORDER

1. This petition is filed under Sec.166 of M.V.Act, 1988 and Rule 455 of A.P.M.V.Rule R/W Sec.140 of M.V.Act 1989 by the petitioners, who are wife and son of "Vallapu Raju, S/o. Late Sriramulu", seeking compensation of Rs.16,00,000/- (Rupees Sixteen Lakhs only) against the Respondents jointly and severally alongwith interest @ 24% per annum from the date of accident till the date of realization of the amount and costs of the petition for the death of the deceased, in the alleged motor vehicle accident occurred on 07.08.2022.

2. The brief averments in the petition are as follows:-

At the material time of the accident on 7.08.2022 at about 20:00 hours Vallapu Raju S/o Late Sriramulu, Age: 55 years, who is Crossing the road to go Shamirpet by foot at Opposite to orange bowl, Shamirpet with due deligence and care, at that time a driver of the RTC Hire Bus Bearing No.TS 22 T 7049 proceeding towards Vemulawada from Hyderabad had driven his bus with over speed in a Rash and negligent Manner Dashed to Vallapu Raju S/o Sriramulu due to the sudden impact the said Vallapu Raju fell on the road and received severe head injury, immediately, the injured Raju had been shifted to Gandhi General hospital Secunderabad through 108 Ambulance, where he succumbed to his injuries on the same day. This ghastly accident occurred due to the rash and negligent driving of the driver of Bus B.No.TS 22 T 7049 alone. There was no fault on the part of the deceased. It is further stated that the Police Shamirpet have registered the case in Crime No. 286/2022 under section 337, IPC, and altered to 304-A IPC. The deceased was married at the time of accident aged 55 Years, and he was quite hale, healthy, and energetic and he was maintaining good health without any ailments. Prior to the accident, the deceased was working as Stone breaker and expert in it and having lot of experience in it and used to earn Rs 15,000/- per month. Petitioners

source of earning power is totally closed and they have become destitute. The deceased used to contribute all his earnings for the maintenance of his family during his lifetime. Due to the un-timely death of him, the Petitioners lost their life supporter, love, care, guidance and support for their remaining lives. The deceased was the only earning member in their family. The deceased was maintaining the petitioners and due to the death, the petitioners who are totally depended on the income of the deceased has become destitutes as their only bread winner and life supporter died in the accident. Due to the sudden death of the deceased, the petitioners are completely bed ridden and under shock and mental agony. Due to the death of the deceased, their future life is totally spoiled. The Respondent No. 1 is the Owner of the Crime Vehicle Bus B.No.TS 22 T 7049, the Respondent No.2 is the insurer of the said Vehicle Bus B.No.TS 22 T 7049 and the Respondent no. 3 is the driver of the said Vehicle Bus B.No.TS 22 T 7049. Thus all the Respondents No.1 to 3 are jointly and severally liable to pay the compensation to the petitioners as the accident took place and the deceased died due to the rash and negligent driving of the driver of the vehicle Bus B.No.TS 22 T 7049. Hence, the petition.

3. The Respondents No.1 and 3 were set ex parte.

4. The Respondent No.2 filed its counter contending that the petition is not maintainable either on facts or in law. It is further stated that all the allegations made in the claim petition are neither true nor correct and hence the petition deserves to be dismissed.

5. It is further stated that the Respondent Company does not admit the manner and the occurrence of the accident and the alleged involvement of Bus bearing No.TS-22-T-7049 as narrated by the Petitioners in column No.26 of the petition. The Respondent No.2 denies that the driver of Bus bearing No. TS-22-T-7049 was holding a valid and effective driving license at the time of accident and that the vehicle was road worthy to ply. It is reliably learnt that the fitness of the Bus bearing No. TS-22-T-7049 is not valid as on the date of accident and thereafter.

6. It is further stated that the respondent company does not admit that Bus bearing No TS- 22-T-7049 was driven by the driver of First Respondent i.e., third Respondent in a rash and negligent manner as alleged by the Petitioners in their claim petition. It is further stated that the Respondent Company does not admit that the deceased was aged 55 years and that he was hale and healthy at the time of accident and that the deceased was a skilled person

and sincere to his work and had good name in his service and was earning of Rs 15,000/- per month and that due to the death of the deceased the Petitioner No 1 is the wife and she lost the love of her husband and Petitioner No 2 is the son of the deceased and he lost his father's love and care, support and guidance and deceased was maintaining all and they are mainly depending on the income of the deceased and were totally depending upon deceased income and that they became destitutes and the averments of Petitioners in Column Nos 3, 4, 5 and 6 of the petition are denied The job details Insurance statutory deductions Net / Gross salary, death benefits amount received by family, dues received and all other amounts received on the death of deceased by Petitioners are not disclosed. It is an exorbitant claim further no a single document is filed to substantiate the claim of Petitioners.

7. It is further contended that the Respondent Company is not aware of any criminal case proceedings launched in the above matter as alleged in Column Nos 8 and 9 of the petition. Infact, this criminal case is neither binding nor conclusive proof on MACT case.

8. It is further stated that the Respondent Company does not admit that the Bus bearing No.TS-22-T-7049 has been insured

with the Respondent Company even otherwise the matter of accident has not been reported by the Owner of the said bus in collusion with the Petitioners to cause loss to this Insurance Company As such this Second Respondent is not liable to pay any compensation to the Petitioners. That in case the First Respondent who is arrayed as owner of the vehicle in this claim petition, has not contested this matter before Hon'ble Tribunal and remains exparte, such circumstances this Respondent Company is seeking permission from this Hon'ble Tribunal to take all the defences that are available to the First Respondent and to contest this matter before Hon'ble Tribunal on merits under Section 170(b) of Motor Vehicle Act.

9. It is further stated that the Respondent Insurance Company seeks protection under Section 147 and 149 of Motor Vehicle Act. That the Respondent Company specifically denies that, on 07.08 2022 at about 20.00hrs the deceased was crossing the road to go Shamirpet by foot at opposite to Orange bowl, Shamirpet with due diligence and care and at that time one driver of the RTC Bus bearing No.TS-22-T-7049 proceeding towards Vemulawada from Hyderabad had driven his bus with over speed

rash and negligent manner and dashed the deceased and as a result deceased fell on the road and received severe head injury, immediately the deceased was shifted to Gandhi General Hospital, Secunderabad where he succumbed to his injuries on the same day.

10. It is further stated that the Respondent Company does not admit that the Petitioners are the sole legal heirs to claim compensation for the death of Late Vallapu Raju S/o. Late Sriramulu and that they are fully depending upon the deceased at the time of accident. It is further stated that in any case the amount of compensation of Rs.16,00,000/- (Rupees Sixteen Lakhs only) claimed in their claim petition in Column No.25 is highly excessive, exorbitant and out of all proportions. If the Hon'ble Tribunal feels that the Petitioners are entitled to the interest, the same should be restricted to interest rate prescribed by RBI as on the date of award.

11. It is further stated by the Respondent that as stipulated under Section 181 of Motor Vehicle Act "whoever drives a motor vehicle in contravention of Section 3 or Section 4 of Motor Vehicle Act shall be punishable with imprisonment or fine or with both. The Petitioners have failed to furnish documentary evidence to

substantiate compliance. It is therefore prayed to dismiss the claim petition.

12. Based on the respective pleadings of the parties, the following issues were settled for trial by my learned predecessor-in-office :-

- 1) Whether the pleaded accident occurred resulting in death of the victim viz. **Vallapu Raju, due to rash and negligent driving of the driver of the Bus bearing No.TS-22-T-7049 ?**
- 2) Whether the petitioners are entitled to any compensation and if so, to what amount and from whom?
- 3) To what relief?

13. On behalf of the petitioners, the petitioner No.1 herself examined as PW1 and through her, Ex.A1 to Ex.A10 marked. One. Dandugaula Srikanth, examined as PW2. Sri. Geedipally Ravinder Reddy, examined as PW3. On behalf of Respondent No.2 no oral evidence adduced, however Ex.B1 true copy of policy marked with consent.

14. Heard Arguments from both sides. Written arguments filed on behalf of R2.

a) The learned counsel for petitioners has argued that, the Petitioner No.1 is wife and Petitioner No.2 is son of deceased and the accident occurred due to rash and negligent driving of Respondent No.3 and the petitioners examined PW1 to 3 and Ex EX A1 to A10 marked. He further argued that the deceased was aged about 55 years and was earning Rs.20,000 /- per month as supervisor with PW3. He further argued that the petitioners are entitled for just compensation.

b) On the other hand, the learned counsel for Respondent No.2 in its written arguments has argued that the alleged accident occurred due to the sheer negligence on the part of the deceased. She further argued that the petitioners are majors and they are not dependents on the income of the deceased. She further argued that PW1 not filed bank statement and also not filed any salary certificate to prove the income of deceased. She further argued that the evidence of PW2 is not believable and the deceased himself contributed to the accident. She further argued that PW3 not filed single document to show he is proprietor of Sri Sai Enterprises. PW3 not filed Income tax returns and no proof of employment filed and no appointment letter, to say that the

deceased was supervisor and drawing the salary of Rs.20,000/- per month. She finally argued to dismiss the petition.

15. ISSUE NO.1 :- Whether the pleaded accident occurred resulting in death of the victim viz. **Vallapu Raju, due to rash and negligent driving of the driver of the Bus bearing No.TS-22-T-7049 ?**

The petitioner No.1, who is wife of the deceased herself examined as PW1 and in her chief-examination affidavit, she reiterated the contents of the petition. Through her Ex.A1 to Ex.A10 are marked. **Ex.A1** is the CC of FIR along with complaint, **Ex.A2** is the CC of Inquest Report, **Ex.A3** is the CC of Crime Detail Form along with rough sketch, **Ex.A4** is the CC of Charge Sheet along with case dairy part II, **Ex.A5** is the CC of Post Mortem report, **Ex.A6** is the CC of MVI report, **Ex.A7** is the CC of Submission of Driving License, **Ex.A8** is the Photo copy of Aadhar cards of the claimants (Verified with original Aadhar cards). **Ex.A9** is the Photo copy of Aadhar card of the Deceased (Verified with original Aadhar card), and **Ex.A10** is the Salary certificate of the deceased for Rs.20,000/- p.m.

16. The learned counsel for the Respondent No.2 has cross-examined PW1. PW1 during the course of her cross-examination

deposed that she has not file any legal heir certificate, to show that deceased was her husband. She has filed age poof of her deceased husband i.e., Aadhar card Xerox. She admitted that she is not an eyewitness to the accident. The police complaint/Report was given by the brother of the deceased. Her brother-in-law by name Narashima was informed her about the accident through phone call. She does not know whether Narashima the complainant witnessed the Accident. She deposed that her deceased husband studied up to 5-6 standard, but she has not file any proof in that regard. Her deceased husband was worked as supervisor in M/S Sri Sai Enterprises, Shamirpet Mandal and he used to get a salary of Rs. 20,000/-P.M. Her deceased husband use to get Rs. 20,000/ P.M. by way of cash, she denied the suggestion that she has not file any appointment letter of M/s. Sri Sai Enterprises, Shamirpet Mandal in regards of her deceased husband use to work. Her deceased husband was working in the Said Sri Sai Enterprises for the last four years till his death, she does not know bank account details of her deceased husband. She denied the suggestion that she is not dependent on the income of her deceased husband. She has two daughters and one son and her two daughters are married, and leaving with their in-laws. Her Son was aged about 33 years and he

is working as supervisor at Shamirpet and she is not working anywhere and she is a housewife. She denied the suggestion that as her son was working and earning as such they are not dependent on the income of her deceased husband. She denied the suggestion that Ex A10 is created and fabricated for the purpose of this case. She denied the suggestion that accident was occurred due to negligence of her deceased husband. She denied the suggestion that her deceased husband drunk at the time of accident, She is having White Ration card and she is residing in her own house at Shamirpet village. She denied the suggestion that the exhibits filed by her fabricate for the purpose of this case. She denied the suggestion that due to negligence of her deceased husband only the accident occurred, but not due to the crime vehicle i.e., RTC bus driver. She has not file rough sketch and CCTV footage of the accident spot. She denied the suggestion that the Crime vehicle has no valid document to ply on the road as such respondent no. 2 is not liable to pay any compensation. She denied the suggestion that the crime vehicle has no valid driving license, permit, and Insurance policy, as such R2 is not liable to pay any compensation.

17. In view of evidence of PW1, PW1 is not an eyewitness to the incident. So, her evidence is not helpful in this regard.

18. PW2 Dandugaula Srikanth, in his chief examination deposed that on 07/08/2022, he was going to Shamirpet and when he reached near to the Orange Bowl Restaurant at about 8:00pm, one person crossing the road carefully, at the time one bus bearing No.TS 22 T 7049 coming from Secunderabad towards Shamirpet crossed his two wheeler and dashed to the pedestrian V.Raju in a rash and negligent manner with high speed, in result the pedestrian fell on road and received severe bleeding injuries to head and other part of the body, immediately, nearby people informed to his relatives and also called 108 ambulance within 30 minutes, the injured V. Raju was shifted to Gandhi Hospital, Secunderabad through 108 ambulance where he is succumbed with injuries on same day, and he saw the accident and it was happened in front of him, he is the eyewitness to the incident and police examined him. He further deposed that the accident was occurred due to the rash and negligence of the RTC bus driver of the RTC bus hired bearing No. TS 22 T 7049 and there is no fault on pedestrian Vallapu Raju.

19. The learned counsel for Respondent No.2 has cross-examined PW2. PW2 in his cross-examination, deposed that he has not received any summons from this Hon'ble court to give evidence, and at the request of the petitioners he came to depose. At the time

of accident he was coming from Secunderabad to Shamirpet. He was going to meet his relatives on that date of accident he is working as delivery boy in Blue Dot. He deposed that his name was not mentioned in the charge sheet as eye witness. He denied the suggestion that he is not an eyewitness to the accident as such his name was not mentioned in the accident. He deposed that he witnessed the accident from 30 feet and it is state highway road. He denied the suggestion that the deceased was negligently crossing the road without observing the vehicle as such the accident was occurred. He denied the suggestion that there was no negligence on the part of RTC bus driver only and due to the negligence of the deceased the accident occurred.

20. PW3, Geedipally Ravinder Reddy, in his chief examination deposed that he is doing business on the name and style of Sri Sai Enterprises situated at Majeedpur Village Shamirpet mandal. His main work is crane service they do crane works, Mr. Vallapu Raju S/o Vallapu Sriramulu, aged about 51 years worked in their enterprises staff as supervisor they operate total no. 2 cranes, he worked from 5-1-2019 to 6-8-2022 and his general timings is from morning 8:00am to evening 6:00pm, if work demands he will continue the work night also his monthly salary was Rs. 20,000/- p.m. they pay the salary by

way of cash and during his service rendered his character was satisfactory, he was very sincere and hardworking in his job.

21. The learned counsel for Respondent No.2 has cross examined PW3. PW3 in his cross examination admitted that he studied up to 10th standard. He is the proprietor of Sri Sai Enterprisers Majeedpur Village Shamirpet mandal. His company is registered vide registration no.36AKQPG6372B1Z4. He deposed that he has not file any document proof to show that he own the Sri Sai Enterprisers and he is proprietor of the company. He deposed that he has filed his Aadhar card copy and nearly 10 members were working in his company. He is having 2 cranes and 4 trucks and he will do weight lifting work for the industries. The deceased was known to him from 2012, but he joined in their company in 2019. He deposed that the deceased was doing supervising work like lorry cleaning, repairing, refilling to the cranes and lorries. The deceased was getting salary of Rs. 20,000/- p.m., and salary was paid by way of cash, and they does not maintain any salary slips, vouchers, at the time of giving salaries. Their company also paying income tax returns and the same is reflecting in the salaries of the employees. He was the signatory for the Ex.A10. The timings of the deceased job was morning 8:00am to evening 6:00pm. The deceased was

worked in their company till his death. He denied the suggestion that the Ex. A10 is false and fabricated only for the purpose of the case. He denied the suggestion that the deceased never worked in their company and they never paid an amount of Rs 20,000/- pm as salary.

22. The petitioners are relying on Ex.A1 to Ex.A10 documents. **Ex.A1** is the CC of FIR along with complaint . It shows that, Vallapu Narasimha lodged report with police Shamirpet on 07.08.2022 stating that on the same day at 8:00 pm his cousin Vallapu Raju was crossing Road near Orange Bowl meanwhile, the driver of RTC Bus bearing No.TS 22 T 7049 drove the bus in high speed negligently and dashed as a result his cousin sustained injuries and was shifted to Gandhi Hospital. It further shows that police Shamirpet registered FIR NO.286 of 2022 U/S 337 IPC. **Ex.A2** is the CC of Inquest Report. It shows that, the Police Shamirpet conducted inquest report over the dead body of deceased wherein, Panchayatdars opined that the accident occurred due to the injuries sustained due to the negligent driving of driver of RTC bus. **Ex.A3** is the CC of Crime detail form along with rough sketch. It shows that, the place of offence. **Ex.A4** is the CC of Charge Sheet along with case dairy part II. It shows that, the police Shamirpet filed charge

sheet against R3 for the offence punishable 304A IPC and Section 177A r/w Sec.118 of M.V.Act. **Ex.A5** is the CC of Post Mortem Report. It shows that, the cause of death was due to multiple injuries. **Ex.A6** is the CC of MVI Report. It shows that the accident was not occurred due to any mechanical defect of the vehicle. It further shows that the driver of the offending vehicle has driving license. Valid upto 07.10.2023. **Ex.A7** is the CC of submission of Driving License. It shows that, the MVI surrendered Driving license of U.Srinivas to District Transport Officer. **Ex.A8** is the Photo copy of Aadhar cards of the claimants (Verified with original Aadhar cards). It shows that, the Vallapu Yadamma, W/o Vallapu Raju, Vallapu Babu, S/o. Vallapu Raju. **Ex.A9** is Photo copy of Aadhar card of the Deceased (Verified with original Aadhar card) . It shows that, Vallapu Raju Aadhar card shows the date of birth as 01.01.1965. **Ex.A10** is the Salary certificate of the deceased for Rs.20,000/- P.M. It shows that, the Sri Sai enterprises issued salary certificate dated 16.12.2023 stating that Vallapu Raju worked as supervisor from 05.01.2019 to 06.08.2022 and his monthly salary was Rs.20,000/-.

23. The Respondents No.1 and 3, who are owner and driver of the offending crime vehicle remained ex parte and did not choose to contest the case, as such there is no rebuttal evidence on record.

24. The Respondent No.2/Insurance Company in its counter denied involvement of the offending vehicle in the alleged accident. However, the Respondent No.2 not adduced any oral evidence. The evidence of PW1, coupled with the evidence of PW2 and Exhibits A1 to A7 shows that the accident occurred due to the rash and negligent driving of R3. Accordingly, the Issue No.1 is answered.

25. ISSUE NO.2 :- Whether the petitioners are entitled to any compensation and if so, to what amount and from whom?

26. It is contention of the petitioners the deceased was aged 55 years at the time of the accident. As per Ex.A9 Aadhar card the date of birth of deceased shown as 01.01.1965 and the accident occurred on 07.08.2022, therefore the age of the deceased as on the date of accident is 57 years. Therefore, the multiplier is "9".

27. In respect of avocation and income of the deceased, PW1 deposed that her husband was working as a Supervisor at M/s.Sri

Sai Enterprises and drawing the salary of Rs.20,000/-. The petitioner got marked Exhibits A10 and got examined PW3.

28. In a judgment between Sarla Rani and others Vs. Charan Singh and another FAO No.2314 of 2003 dated: 15.01.2015 wherein the Hon'ble Punjab and Haryana High Court at Chandigarh at para No.4 held

"However, no record of the firm was produced to show that the deceased was appointed by the firm and was being paid salary regularly. Books of account, attendance register or other related record were not brought. Merely preparing a document as salary certificate and producing it would not be sufficient proof of salary. The Tribunal rightly discarded the evidence and held that deceased was a labourer and took his income according to the wages prevalent at that time."

29. In a judgment between Potla Narsaiah and others Vs. Guduri Krishna Reddy and others reported in 1992 (2) ANWR 39 wherein the Hon'ble High Court of Andhra Pradesh at para No.2 held

"But in this case, the certificate that has been produced by him appears to be an inflated one and therefore, the learned Judge has rightly doubted the certificate because no accounts have been produced. If this trend of accepting the private employment certificate is there, production of false certificates will be there. When certificate from the private company has been produced. If this trend of accepting the private employment certificate is there, production of false certificates will be there. When certificate from the private company has been produced, there must be careful scrutiny and the claimants have to specify by examining the person concerned with reference to the accounts duly maintained in that connection. So, such acceptance of certificate issued by private

companies or bodies by the Tribunal is bad without reference to the accounts from the concerned or material evidence in that context. In the case of public companies or the concerned or material evidence in that context. In the case of public companies or the government departments, salary certificate can be taken into consideration safely, but in the case of private companies it is not so as there will be every chance of collusion in obtaining the certificate and producing a certificate for higher salary."

30. In the instant case as per FIR, the occupation of deceased shown as stone work. As per Ex.A2 also it is mentioned as stone work. PW3 in his cross examination admitted that he has not maintained any salary slips, vouchers. Except Ex.A10 the petitioners not filed any other documents to prove that the deceased was working as supervisor with PW3. PW1 deposed that her husband studied 5th or 6th standard. Therefore, the evidence of PW3 is not believable. Since, the deceased was stone worker, this court takes the income of the deceased at Rs.10,000/- per month notionally.

31. As the age of the deceased is established to be 57 years, the appropriate multiplier is '9'. The deceased was having wife and son at the time of accident. Therefore, 1/3rd of income to be deducted as personal and living expenses of the deceased. The Petitioners are entitled for future prospects at 10%. As the Petitioners No.1 and 2 are wife and son they are entitled to **Spouse**

:: 22 of 25 :: **MVOP 841/2022**

consortium and parental Consortium @ Rs.44,000/- each. i.e.

Rs.88,000/-. The petitioners are also entitled for **Loss of Estate @ Rs.16,500/- and Funeral Expenses @ Rs.16,500/-**.

32. In view of the above discussion, the petitioners are entitled to the total compensation in all heads as follows :-

1)	Income of the deceased per month	Rs.10,000/-
2)	Future Prospects at 10%	Rs.1000/-
3)	Total Income	Rs.11,000/-
4)	1/3 th of income to be deducted as personal and living expenses on Rs.11,000/- is Rs.3,666/-	Rs.3,666/-
5)	Income per month	Rs.7,337/-
6)	Actual Income per annum Rs.7,337/- x 12	Rs.88,044/-
7)	The deceased is aged 57 years and the multiplier applicable is	9
8)	Compensation on applying the multiplier 9 is Rs.88,044/- X 9	Rs.7,92,396/-
9)	Spouse Consortium	Rs.44,000/-
10)	Parental Consortium	Rs.44,000/-
11)	Loss of Estate	Rs.16,500/-
12)	Funeral Expenses	Rs.16,500/-
	TOTAL	Rs.9,13,396/-

33. A perusal of Ex.B1, Policy shows the insured name as "Sangarayamallu" who is Respondent No.1 in respect of vehicle bearing No.TS 22 T 7049 and the policy covers from 09.12.2021 to 08.12.2022. So, the policy was in force as on the date of accident i.e. on 07.08.2022. Respondent No.1 is the owner, Respondent No.2 is the Insurer and Respondent No.3 is the driver of the offending vehicle. Hence, Respondent No.1 being the owner of the offending vehicle is vicariously liable for the acts done by Respondent No.3 and Respondent No.2 being the Insurer should indemnify the owner of the vehicle i.e. Respondent No.1. Therefore, the Respondents No.1 to 3 are jointly and severally liable to pay the compensation to the petitioners along with interest and costs. Accordingly, the Issue No.2 is answered.

34. ISSUE NO.3 :- To what relief ?

In the result, the petition is allowed in part granting compensation of **Rs.9,13,396/- (Rupees Nine Lakhs Thirteen Thousand Three Hundred and Ninety Six only)** to the petitioners with proportionate costs and interest @ 7% per annum from the date of filing of the petition till the date of deposit. The rest of the claim is hereby dismissed.

:: 24 of 25 :: MVOP 841/2022

The Respondents No.1 to 3 are directed to deposit the said compensation of **Rs.9,13,396/- (Rupees Nine Lakhs Thirteen Thousand Three Hundred and Ninety Six only)** with interest within 45 days from the date of the Award.

Out of the above said compensation, the petitioner No.1 is entitled for Rs.6,13,396/- and Petitioner No.2 is entitled for Rs.3,00,000/- and they are permitted to withdraw their share of compensation amount along with interest and costs.

The Advocate fee is fixed at Rs.3,000/-.

The Petitioners are directed to pay the exempted court fee within 15 days and on such deposit of court fee the office is directed to prepare the decree.

Typed to my dictation by Typist, corrected and pronounced by me in open Court on 4th Day of November, 2024.

**CHAIRMAN
MACT-CUM-I ACJ, CCC,
SECUNDERABAD.**

APPENDIX OF EVIDENCE
Witnesses Examined.

FOR PETITIONERS:-

PW1 : Vallapu Yadamma
PW2 : Dandugaula Srikanth
PW3 : Geedipally Ravinder Reddy

FOR RESPONDENT NO.2 :-

None

DOCUMENTS MARKED

FOR PETITIONERS:-

- Ex.A1 - CC of FIR along with complaint
- Ex.A2 - CC of Inquest Report
- Ex.A3 - CC of Crime Detail Form along with rough sketch
- Ex.A4 - CC of Charge Sheet along with case dairy part II
- Ex.A5 - CC of Post Mortem report
- Ex.A6 - CC of MVI report
- Ex.A7 - CC of Submission of Driving License
- Ex.A8 - Photo copy of Aadhar cards of the claimants (Verified with original Aadhar cards)
- Ex.A9 - Photo copy of Aadhar card of the Deceased (Verified with original Aadhar card)
- Ex.A10 - Salary certificate of the deceased for Rs.20,000/- p.m.

FOR RESPONDENT NO.2:-

Ex.B1 – True copy of policy

**CHAIRMAN
MACT-CUM-I ACJ, CCC,
SECUNDERABAD.**