

**BEFORE THE CHAIRPERSON, MOTOR VEHICLE ACCIDENT CLAIMS
TRIBUNAL -CUM- III ADDITIONAL DISTRICT AND SESSIONS JUDGE
SANGAREDDY**

PRESENT: Smt. G.Sunitha Ravindra Reddy
Chairman, Motor Accident Claims Tribunal
Sangareddy.

Monday the 23rd day of March, 2026

MVOP No. 75 of 2023

Between:

Sri Karne Kishta Reddy S/o. Karne Yadu Reddy,
Aged about: 32 years, Occ: Private Employee,
R/o: Bujurampet(v), Kowdipally Mandal, Medak District.
Now residing at R/o: H.No.2-1-3, Kandi(v), and Mandal,
Sangareddy District.

....Claimant

And

1. Perugu Surya Prakash S/o. Late Ramaiah, Aged about: 63 years,
Occ: Driver of Car bearing No.A.P.28-BM-9175,
R/o: H.No.12-15-1081, Manikeshwar Nagar, Near OU Campus,
Hyderabad.
2. Mohammed Omar Muktar S/o: Hasham, Aged about: Major,
Occ: Owner of Car bearing No.A.P.28-BM-9175
R/o: H.No.12-15-955, Manikeshwar Nagar, Near OU Campus,
Hyderabad.

.... Respondents

This petition came-up before me for final hearing on 3-3-2026 in the presence of Sri M.Jaipal Reddy, Advocate for claimant and Sri Mohammed Adil, Advocate for Respondent No.2, Respondent No.1 set-exparte and after hearing both sides, upon perusal of the material papers on record and having stood over for consideration till this day, the Court made the following :-

ORDER

1. This petition filed under Section 166 of Motor Vehicle Act, 1988 to grant compensation of Rs.23,00,000/- to the claimant with interest @ 18% per annum from the date of claim petition till the date of realization and with costs.

Petition averments in brief are as follows:

2. On 29-11-2022 at about 9-00 hours the claimant went to Honour Company at Bonthapally for attending his regular duties on his motorcycle bearing No.TS.07-8655(Glamour) from his house, later on the same day evening at about 19-00 hours when he reached near the limits of Kowdipally(v), in the mean time a car bearing No.A.P.28-BM-9175(Maruthi Alto) came from opposite direction and the car driver drove his car in rash and negligent manner and dashed to the motorcycle, then the claimant fell down on the road and sustained severe bleeding injuries to his right leg and all over the body. Immediately he was shifted to Mallareddy Narayana Hospital, Suraram for treatment and later admitted in the same hospital, where operation was conducted and the right side leg was amputated above knee and the claimant incurred huge amount for his treatment and still the claimant is undergoing treatment.

The police Kowdipally registered a case in Crime No.137/2022 U/S.338 of IPC and Sesc.146 R/W 196 of MV ACT, against the driver of car bearing No.A.P.BM-9175 i.e. respondent No.1 and the same is pending before JMFC Court, Narsapur.

The accident occurred due to rash and negligent driving of respondent No.1 who is working under respondent No.2 and respondent No.2 is the owner of the offending vehicle, as such both respondents are jointly and severally liable to pay compensation to the claimant. The claimant was hale and healthy at the time of

accident and he was working as private employee at Honour Labs Limited Unit-I near Bonthapally and was earning Rs.30,000/- per month. After the accident, the claimant is not attending anykind of work,as his right leg is amputated above knee. The claimant suffered much mental pain and agony. The claimant feeling lot of difficulties and not attending any kind of work. The claimant is depending upon other. The claimant suffered permanent disability. The claimant is not able to stand and unable to work properly and without attendance the claimant is not able to look after his life long and prays to allow the petition.

3. After service of notice, the respondents No.1 did not file counter, hence he was set-exparte. The respondent No.2 filed counter denying the contents of the petition and contended that the petition is not maintainable either in law or on facts and it is liable to be dismissed. The respondent No.2 is not admits about the health condition, age, occupation and earnings of the claimant at the time of accident. The vehicle of the respondent No.2 never caused any accident is not involved in any accident, the police in collusion with claimant registered a false case against the respondent No.2 showing him as owner of the above said vehicle, as such the claimant is not entitled for any compensation from the respondent No.2. The compensation claimed by the claimant under different heads are highly excessive, exorbitant and out of all proportions. This respondent is the registered owner of vehicle bearing No.A.P.28-BM-9715 and the same is used without any breach of permit, traffic rules and regulations and the vehicle is roadworthy rto ply and the said vehicle is not involved in any accident and police falsely implicated the said vehicle in collusion with claimant and prays to dismiss the petition with costs.

4. Basing on the above pleadings of both parties, the following issues were settled for trial:

1. Whether the accident occurred due to rash and negligent driving of the crime vehicle?
2. Whether the claimant is entitled for compensation as prayed for?
3. To what relief?

5. During the course of trial, on behalf of the claimant, the claimant himself was examined as PW1, Ravinder Reddy was examined as PW2, Dr.Venu Madhav was examined as PW3 and one Dr. B.Susmitha was examined as PW4 and Ex.A1 to Ex.A7 documents were marked. Though witness summons were issued, but the respondents No.2 did not turn-up he did not examine any witnesses on their behalf, and documents were marked on behalf of respondents.

6. Heard arguments on both sides and perused the records.

ISSUE No.1: "Whether the accident occurred due to rash and negligent driving of crime vehicle?"

7. This issue concerns the vehicle involved in the accident and the cause of accident. On 29-11-2022 at about 9-00 hours the claimant went to Honour Company at Bonthapally for attending his regular duties on his motorcycle bearing No.TS.07-8655(Glamour) from his house, later on the same day evening at about 19-00 hours when hes reached near the limits of Kowdipally(v), in the mean time a car bearing No.A.P.28-BM-9175(Maruthi Alto) came from opposite direction and the car driver drove his car in rash and negligent manner and dashed to the motorcycle, then the claimant fell down on the road and sustained severe bleeding injuries to his right leg and all over the body. Immediately he was shifted to Mallareddy Narayana Hospital,

Suraram for treatment and later admitted in the same hospital, where operation was conducted andn the right side leg was amputated above knee and the claimant incurred huge amount for his treatment and still the claimant is undergoing treatment.

8. PW1 who is injured re-iterated the contents of the petition and to prove the accident of rash and negligent driving of offending vehicle, the claimant got marked Exs.A1 to A7 documents in support of his claim. Ex.A1 is certified copy of F.I.R. with complaint. Ex.A2 is certified copy of charge sheet. Ex.A3 is certified copy of scene of offence panchanama along with rough sketch. Ex.A4 is certified copy of injury certificate. Ex.A5 is original discharge summary issued by Mallreddy Narayana Multi Speciality Hospital, Suraram X roads, Jeedimetla. Ex.A6 is original salary certificate issued by the Honour Company, dated: 7-8-2024. Ex.A7 is original disability certificate of the claimant.

During cross-examination he denied that he know that the respondent No.1 is no more but intentionally filed this case against him. The accident spot is not highway road, but it is connecting road to national highway. He admits that he had not filed any insurance copy. He denied the suggestions that due his negligence the accident occurred and there is no fault on the part of driver of the crime vehicle, the case was filed against the dead person, he is not entitled for any relief, the medical reports filed by him are false and they are not in proper manner, though he know that respondent No.1 is no more he intentionally not arrayed his legal heirs as parties to this case and the accident occurred in the jurisdiction of Medak District and this court has no jurisdiction to entertain. At the time of accident he is at Kandi coming from office to his residence. His father lodged complaint, he is residing at

Kandi in a rented premises, but he did not filed any rental agreement. He denied that the respondent No.1 had never involved in the accident and never hit his vehicle and as such the respondent No.2 is not liable to pay compensation.

9. PW2 Ravinder Reddy deposed that he met with accident in RTA. The claimant was also works in night shifts and he was also get night shifts allowances appiximately Rs.3,000/- per month. Bonus amount of Rs.16,800/- per annum and also an amount of Rs.4,000/- LTA per annum. Ex.A6 was issued by him. Due to the accident being disabled the claimant after losing his right leg din a bike accident the doctors advised the claimant resided his duty and left the company. During cross-examination he denied the suggestions that the claimant never worked as chemist in their company since 6-6-2020 and is a permanent employee, his salary was Rs.27,286/- per month and that he never worked in night shifts and he does not gets any allowances.

10. PW3: Dr.Venu Madhav deposed that the patient was taken for surgeryd on 30-11-2022 early hours, surgery done. The patient came to their hospital with alleged history of RTA. Exs.A4 and A5 were issued by their hospital. The patient was discharged on 8-12-2022. As per the disability certificate the patient has 90% of disability. During cross-examination he denied the suggestion that they did not give any treatment to the claimant/injured and the injuries are not grievous in nature, he is deposing false to help the patient and Exs.A4 and A5 were issued only to help the claimant.

11. PW4: Dr. B.Susmitha deposed that the injured/claimant came to their hospital on 29-11-2022 with the RTA, the patient came with crush injury of right leg with expensive muscle crush and vascular injury with contamination of wound. The injury is grieve in nature, they tried to save the right leg of the patient with debridement,

they could not save the right legs hence below knee amputation was done to save the life of the patient. The patient was discharged on 8-12-2022, the patient was having 90% disability. During cross-examination she denied that the patient has never taken treatment with her in their hospital and the injuries are grievous in nature.

12. Though, the respondent No.2 had taken various pleas in his counter, his version is not supported by any oral or documentary evidence. It is an admitted fact that the accident occurred due to rash and negligent driving of respondent No.1, as such the respondents No.1 and 2 are responsible for payment of compensation to the claimant. Thus, the point is answered accordingly.

13. **ISSUE NO.2:** Whether the claimants are entitled for compensation, as prayed for?"

14. This issue concerns the compensation payable, the quantum of compensation and by whom it is payable. The claimant joined the respondent No.1 as the driver of the crime vehicle. The respondent No.2 is the registered owner of the crime vehicle bearing No.No.A.P.28-BM-9175. Thus, the respondents No.1 and 2 are jointly and severally liable to pay compensation to the claimant. Of course, the liability of respondents No.1 and 2 will be subject to proof that the insured/owner did not violate the conditions of insurance policy.

15. Among the several defences taken by respondents No.1 and 2 it also took the defence that at the time of accident, the driver of offending crime vehicle was not having valid driving license and that the respondent No.2 violated the terms and conditions of the policy. As to what conditions of the policy were violated was not suggested to PW1, obviously it is not the lookout of PW1 to prove that the respondent No.2 had not violated any terms and conditions of policy. The burden is

solely on the respondents No.1 and 2 to prove that the respondent No.2 had violated the terms and conditions of insurance policy and the respondent No.1 is not having any valid driving license as on the date of accident. In order to elicit the said fact, on behalf of respondents none were examined, much less on behalf of respondents to support their defence. Therefore, the contentions of the respondent No. 2 cannot be taken into consideration. As a matter of fact, the charge sheet filed by the police in the accident case which revealed that the claimant was shifted to Mallarddy Narayana Hospital, at Suraram for treatment. In order to show that respondent No.1 is no more no death certificate of respondent No.1 filed. So, the respondent No.2 failed to prove that the respondent No.1 had violated any terms and conditions of the policy and thus the respondents No.1 and 2 are jointly and severally liable to pay compensation to the claimant.

16. Grant of compensation for personal injuries and the duty of the court is well settled by the Hon'ble Supreme Court from time to tome. The Hon'ble Supreme Court in **Raj Kumar Vs.Ajay Kumar and another(2011) 1 SCC 343** laid down certain general principles relating to compensation in injury cases and what is just compensation at para 4 o the judgment extracted hereunder.

"4. The provision of the Motor Vehicle Act, 1988 (Act for short) makes it clear that the award musts be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good and loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court of tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This meas that he is to be compensated for his liability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed

but for the injuries, and his inability to earn as much as he used to earn or could have earned".

17. In the same judgment at para 5, the Supreme Court gave the different heads and the method of assessing the disability and calculating the compensation. It held as follows:-

5. The heads under which compensation is awarded in personal injury cases are the following:-

Pecuniary damages (Special Damages).

(i) Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food and miscellaneous expenditure.

(ii) Loss of earning (and other gains) which the injured would have made had not been injured, comprising:

(a) Loss of earning during the period of treatment;

(b) Loss of future earnings on account of permanent disability.

(iii) Future medical expenses.

Non-pecuniary damages (General Damages)

(iv) Damages for pain, suffering and trauma as a consequence of the injuries.

(v) Loss of amenities (and/or loss of prospects of marriage)

(vi) Loss of expectation of life (shortening of normal longevity).

In routine personal injury cases, compensation will be awarded only under heads (i), (ii), (a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii) (b), (iii), (v) and (vi) relating to loss of future earning on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation on life.

Assessment of pecuniary damages under item (i) and under item (ii) (a) do not pose much difficulty as they involve reimbursement of actual and are easily ascertainable from the evidence. Award under

the head of future medical expenses - item (iii) -- depends upon specific medical evidence regarding need for further treatment and cost thereof. Assessment of non pecuniary damages - items (iv), (v) and (vi) - involves determination of lump sum amounts with reference to circumstances such as age, nature of injury/deprivation/disability suffered by the claimant and the effect thereof on the future life of the claimant".

(9) Therefore, the Tribunal has to first decide whether there is any permanent disability and if so the extent of such permanent disability. This means that the tribunal should consider and decide with reference to the evidence: (i) whether the disablement is permanent or temporary; (ii) if the disability is permanent, whether it is permanent total disablement or permanent partial disablement, (iii) if the disablement percentage is expressed with reference to any specific limb, then the effect of such disablement of the limb on the functioning of the entire body, that is the permanent disability suffered by the person.

If the Tribunal concludes that there is no permanent disability then there is no question of proceeding further and determining the loss of future earning capacity. But if the Tribunal concludes that there is permanent disability then it will proceed to ascertain its extent.

After the Tribunal ascertains the actual extent of permanent disability of the claimant based on the medical evidence, it has to determine whether such permanent disability has affected or will affect his earning capacity.

18. The Supreme Court next while summarizing the principles discussed in the case also held that it is the Tribunal which shall ascertain the percentage of loss of earning capacity of the injured and that it is not for the Medical Officer to assess and he can assess only the extent of permanent disability. The Apex court held as follows:-

(13) We may now summarize the principles discussed above: (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 percentage of loss of earning capacity is the same as percentage of permanent disability, (iii). The doctor treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of percentage 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 percentage of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

19. Regarding Assessment of permanent disability in personal injury cases in terms of money, in **Raj Kumar** Case supra, the Apex Court laid down that after ascertaining the annual income of the injured, and after ascertaining the percentage of loss of earning capacity, by applying the multiplier applicable to the injured as per his age as given in schedule-II Table in column No.4 of Sarala Verma case, the loss of future earnings have to be ascertained. It was held as follows:-

(8).....What requires to be assessed by the Tribunal is the effect of the permanent disability on the earning capacity of the injured; and after assessing the loss of earning capacity in terms of a percentage of the income, it has to be quantified in terms of money, to arrive at the future loss of earnings (by applying the standard multiplier method used to determine loss of dependency). We may however note that in, some case, on appreciation of evidence of assessment, the Tribunal may find that percentage of loss of earning capacity as a result of the permanent disability, it approximately the same as the percentage of permanent disability in which case, of course, the Tribunal will adopt the said percentage for determination of compensation (see for example, the decisions of this court in Arvind Kumar Mishra Vs. New India Assurance Company Limited, 2010 ALL SCR 2475 and Yadava Kumar Vs. D.M.National Insurance Company Limited, 2010 AL SCR 2833).

20. Thus, in **Raj Kumar** case supra, the Supreme Court gave guidelines on assessment of compensation in personal injury cases and held that it is the duty of the court to ascertain the nature of the injuries, the percentage of disability, the percentage of loss of earning capacity, the loss of income etc., with reference to the facts and circumstances of each case and the evidence adduced thereon. The material questions before this court to be answered in the present case following the guidelines of the Supreme Court are -

1. What are the injuries sustained by PW1 in the accident?
2. Whether the injuries resulted in permanent disability? If yes, is it Total or Partial?
3. Whether the disability effected the entire body or any limb of the injured? If so, has it effected the earning capacity of the injured? If yes, what is the percentage of loss of earning capacity?
4. What is the age of the injured? What is the multiplier applicable?

21. To prove the injuries and the disability sustained by the claimant as per the Apex Court judgment, evidence of Medical Officer is very important.

22. Coming to the age of the injured/claimant at the time of accident he was aged about 32 years, no evidence is produced in proof of the same. So, the age of the claimant as per the crime record at the time of accident was 32 years.

23. Coming to the medical expenses, the claimant had not filed medical bills towards treatment. However, the claimant might have incurred an expenditure towards purchase of medicines and towards extra nourishment and also towards personal charges. Therefore, the claimant is granted a sum of Rs.10,000/- towards medical expenses, Rs.15,000/- towards extra nourishment and transportation charges.

24. Coming to the income of the claimant, the claimant filed original salary certificate issued by Honour Company, dated: 7-8-2024, however he is goat shepherd and earning Rs.12,000/- per month, as such the monthly income of the claimant can be fixed at Rs.30,000/-. The claimant also sustained other injuries and thus towards pain and suffering a sum of Rs.10,000/- is granted and for loss of amenities of Rs.10,000/- was granted. The compensation to which the claimant is entitled which is calculated as under.

<i>Description</i>	<i>Amount in Rs.</i>
Pecuniary/Special Damages:	
Medical expenses - incurred	10,000-00
Transportation + Extra nourishment	15,000-00
Earnings loss (10 months)	3,00,000-00
Loss of future earnings @ 50% x multiplier 15 @ 30,000/- per month	$30,000 \times 12 \times 15 \times 50/100 = 27,00,000-00$
Non-Pecuniary/General Damages:	
Pain and suffering	10,000-00
Loss of amenities.	10,000-00
Total compensation	30,45,000-00

25. **ISSUE NO.3:-** To what relief?

26. In view of the discussion made above, I hold that the claimant is entitled for total compensation of Rs.30,45,000/-(Rupees Thirty lakhs and forty five thousand only) with costs and interest from the date of the petition till the date of realization payable by respondents No.1 and 2 jointly and severally. Thus, this issue is decided accordingly.

In the result, the petition is allowed with costs, directing the respondents No.1 and 2 jointly and severally to pay the claimant a sum of Rs.30,45,000/- (Rupees Thirty lakhs and forty five thousand only) towards compensation with interest @ 9% per annum from the date of filing of the claim petition till the date of realization. The respondents No.1 and 2 are further directed to deposit the amount awarded with interest and costs within one month from the date of the this order. On such deposit of compensation amount, the claimant is permitted to withdraw the entire amount. The office of this court is directed to prepare decree after collecting deficit and enhanced court fee. The Advocate fees is fixed at Rs.5,000/-.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the Open Court on this the 23rd day of March, 2026.

Chairman
Motor Accident Claims Tribunal
Sangareddy.

APPENDIX OF EVIDENCE
WITNESSES EXAMINED ON BEHALF OF CLAIMANT

FOR CLAIMANT:

PW1: Karne Kishta Reddy.
PW2: Ravinder Reddy.
PW3: Dr.Venu Madhav.
PW4: Dr.B.Sushmitha.

FOR RESPONDENTS:

None

EXHIBITS MARKED ON BEHALF OF CLAIMANTS:

Ex.A1: Certified copy of F.I.R. with complaint.

Ex.A2: Certified copy of charge sheet.

Ex.A3: Certified copy of scene of offence panchanama along with rough sketch.

Ex.A4: Certified copy of injury certificate.

Ex.A5: Original discharge summary issued by Mallreddy Narayana Multi Specialty Hospital, Suraram X roads, Jeedimetla.

Ex.A6: Original salary certificate issued by the Honour Company, dated: 7-8-2024.

Ex.A7: Original disability certificate of the claimant.

RESPONDENTS:

Nil

Chairman
Motor Accident Claims Tribunal
Sangareddy