

**IN THE COURT OF THE CHAIRMAN, MACT-CUM-
PRINCIPAL DISTRICT JUDGE, ADILABAD**

Present:

K.Prabhakara Rao,
Chairman, MACT-cum-Prl. District Judge,
ADILABAD

THURSDAY THE 5TH DAY OF MARCH, 2026

MVOP NO: 282 OF 2022

Between:

Marsukola Suman @ Sumanth S/o Srinivas,
age 24 years, Occ: Agriculture, R/o H.No.
1-9/3, Kannepally village, Mandal Thiryani
Mandal, District KB Asifabad - 504 293,
presently residing at H.No.3-2-54, Bukthapur
locality, Adilabad, District Adilabad.

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PETITIONER

// AND //

1) Banka Mamatha W/o Banka Raju, age 35
years, Occ: Anganwadi Aaya, R/o H.No.
5-50, Ramnagar, Wankidi village and
mandal, District Komurambheem
Asifabad, Pin Code - 504 295.

(Wife and class LR of Banka Raju S/o Devidas
(died), who is owner cum driver of motor
cycle bearing Registration No.TS-20-A-2677)

2) Banka Srujan S/o late Banka Raju, age 13
years, Occ: Student, R/o H.No. 5-50,
Ramnagar, Wankidi village and mandal,
District Komurambheem Asifabad, Pin
Code - 504 295.

(Son and class LR of Banka Raju S/o Devidas
(died), who is owner cum driver of motor
cycle bearing Registration No.TS-20-A-2677)
(Minor, hence representative of her guardian,
next friend and natural mother i.e.,
respondent No.1 herein)

- 3) Banka Eshwar S/o late Banka Raju, age 12 years, Occ: Student, R/o H.No. 5-50, Ramnagar, Wankidi village and mandal, District Komurambheem Asifabad, Pin Code - 504 295.

(Son and class LR of Banka Raju S/o Devidas (died), who is owner cum driver of motor cycle bearing Registration No.TS-20-A-2677)
(Minor, hence representative of her guardian, next friend and natural mother i.e., respondent No.1 herein)

- 4) Banka Lalitha W/o Banka Devidas, age 60 years, Occ: Household, R/o H.No.5-50, Ramnagar, Wankidi village and mandal, District Komurambheem Asifabad, Pin Code - 504 295.

(Mother and class LR of Banka Raju S/o Devidas (died), who is owner cum driver of motor cycle bearing Registration No.TS-20-A-2677)

- 5) Banka Devidas S/o Gangaiah, age 67 years, Occ: Coolie, R/o H.No.5-50, Ramnagar, Wankidi village and mandal, District Komurambheem Asifabad, Pin Code - 504 295.

(Father and class LR of Banka Raju S/o Devidas (died), who is owner cum driver of motor cycle bearing Registration No.TS-20-A-2677)

- 6) Bajaj Allianz General Insurance Company Limited, represented by its Branch Manager, Bajaj Finserv Building 1st Floor, behind Weikfield IT-Park, Viman Nagar, Pune - 411 014.

(Policy No. OG-22-9906-1806-00558109, valid from 23.01.2022 to 22.01.2023)

... **RESPONDENTS**

This petition is coming for final hearing before me on 02.02.2026 in the presence of Sri Tuduru Srinivas, Advocate for petitioner and Sri S.Ramanna, Advocate for respondent No.6, respondents No.1 to 5 remained exparte and upon perusal of the oral and documentary evidence available on record, on hearing the counsel for both parties and having stood over till this day for consideration, this Tribunal made the following:

ORDER

1) This petition is filed under Section 166 (1) (a) of Motor Vehicles Act, 1988 r/w Rule 455 of A.P. Motor Vehicle Rules, 1989, by the petitioner claiming compensation of Rs.2,00,000/- for the injuries sustained by him in a road traffic accident that occurred on 09.05.2022 at about 14.00 hours at Khamana X road, Wankidi Mandal, District Komram Bheem Asifabad, due to rash and negligent driving of motor cycle bearing Registration No.TS-20-A-2677 (hereafter called as “crime vehicle”) by its rider.

2) The brief averments of the petition, are as follows:-

(i) On 09.05.2022 while Marsukola Shankar as rider and the petitioner as pillion rider were proceeding on motor cycle bearing No.TS-20-B-9894 from Sonapur villae to Ginnedhari and when they reached near Khamana X road, Wankidi mandal, at about 14.00 hours at the same time Banka Raju who is rider cum owner of motor cycle bearing No.TS-20-A-2677 came in rash and negligent manner with high

speed and dashed to the motor cycle of the petitioner from opposite direction, due to which petitioner fell down on the road and sustained grievous injuries to right shoulder, low back, right knee, right side of face, right parieto temporal region and other injuries all over his body. The rider of the motor cycle also sustained injuries and died.

Immediately after the accident, petitioner was shifted to Government Hospital, Asifabad where he took treatment and later in private hospitals.

iii) The police, Wankidi registered a case in Cr.No.89 of 2022 for the offence under Section 304-A, 337 and 279 IPC against the rider of motor cycle bearing No.TS-20-A-2677 and later filed charge sheet.

iv) The petitioner was aged 24 years by the date of accident and he was hale and healthy at the time of accident, used to earn Rs.20,000/- per month on agriculture but due to the injuries received by him in the accident, the petitioner is unable to attend any works and is suffering with financial problems and mental agony and lost his future.

3) Respondents 1 to 5 remained exapрте.

4) The 6th respondent/insurance company, filed counter, denying most of the material averments in the petition and sought the petitioner to prove her age, avocation and income and also the manner of the accident. It is further averred in the counter that the petitioner

failed to implead the owner and insurer of auto rickshaw as parties to the petition, the petition is bad in law for non-joinder of necessary parties. It is further averred that the respondent No.1 was not holding valid and effective driving license at the time of accident, thereby violated the terms and conditions of the policy, thus this respondent is not liable to pay any compensation to the petitioner. The compensation claimed is highly excessive, exorbitant, as such, the petition is liable to be dismissed.

5) Based on the above pleadings, the following issues have been settled for trial:

1. Whether the petitioner/Marsukola Suman @ Sumanth sustained injuries in the Motor Vehicle Accident occurred on 09.05.2022 at about 14.00 hours at Khamana X road, Wankidi Mandal, District Komrambheem Asifabad, due to rash and negligent riding of the motor cycle bearing No.TS-20-A-2677 (crime vehicle) by its rider (Banka Raju/deceased)?
2. Whether there was any negligent and careless act or rider Marsukola Shankar of motor cycle Reg.No.TS-20-B-9894 on which the injured as pillion rider?
3. Whether the petition is not maintainable for non joinder of owner and insurance company of motor cycle Reg.No.TS-20-B-9894?
4. Whether there was no valid and effective driving licence to Banka Raju/deceased who drove the crime vehicle on the alleged accident and there are other violations of insurance policy?

5. Whether the petitioner is entitled to the total compensation amount as prayed for? If so, from whom?

6. To what relief?

6) During the course of enquiry, the petitioner is examined as PW1 and got marked Ex.A1 to Ex.A4 documents. On behalf of the respondent No.6, RW1 is examined and Exs.B1 and B2 are marked.

7) Heard both sides.

Issues 1 to 4:

8. In the evidence petitioner/PW1 reiterated the averments of petition in his chief examination affidavit and deposed that on 09.05.2022 while Marsukola Shankar as rider and he as pillion rider were proceeding on motor cycle bearing No.TS-20-B-9894 from Sonapur villae to Ginnedhari and when they reached near Khamana X road, Wankidi mandal, at about 14.00 hours at the same time Banka Raju who is rider cum owner of motor cycle bearing No.TS-20-A-2677 came in rash and negligent manner with high speed and dashed to their motor cycle from opposite direction, due to which petitioner fell down on the road and sustained grievous injuries to right shoulder, low back, right knee, right side of face, right parieto temporal region and other injuries all over his body. PW1 deposed that the rider of the motor cycle also sustained injuries and died.

9. In support of his contention, PW1 got exhibited Exs.A1 to A3 which shows that the accident occurred due to the fault on the part of the rider of crime vehicle, in which the petitioner sustained injuries. Ex.A2 injury certificate and Ex.A3 attested copy of charge sheet shows that the petitioner sustained injuries in the road accident. Ex.A3 charge sheet also shows that the police filed charge sheet against the rider of crime vehicle for causing accident in which the petitioner sustained injuries. Therefore, if the evidence of PW1 coupled with the Exs.A1 to A3, it is clear that the petitioner sustained injuries in a road accident due to the negligent act on the part of the rider of the crime vehicle.

10. The respondent No.6 in its counter submitted that the rider of the crime vehicle and the rider of petitioner's motor cycle were not holding valid and effective driving licence as on the date of accident. Per contra the respondent No.6 did not adduce any evidence. Ex.A3 charge sheet shows that the rider of crime vehicle was charged for the offence under section 304-A, 337, 279 of IPC but not for any offence under MV Act. Per contra, respondent No.6 did not adduce any evidence. Therefore it can be said that the respondent No.1 was having valid driving licence at the time of accident.

Respondent No.6 also contended that the petition is bad for non joinder of necessary parties. As per Ex.A3 charge sheet there is fault on the part of the rider of crime vehicle but not on the part of rider of petitioner's motor cycle in causing the accident. Respondent No.6 also not adduced any evidence in this regard. Therefore, it can be said that the petition is not bad for non joinder of necessary parties. Respondent No.6 contended that the crime vehicle is not insured with it and the policy is not in force as on the date of accident. Perusal of Ex.A4 copy of insurance policy shows that the crime vehicle is insured with respondent No.6 and the policy is in force as on the date of accident. Per contra, respondent No.6 did not adduce any evidence. Therefore, it can be said that the crime vehicle is insured with respondent No.6 and the policy is in force as on the date of accident. Hence, respondents 1 to 6 are jointly and severally liable to pay compensation to the petitioner. Accordingly the issues 1 to 4 are answered in favour of the petitioner.

ISSUES NO.5:

11) PW1, in his evidence has deposed that due to the accident, he sustained grievous injuries to right shoulder, low back, right knee, right side of face, right parieto temporal region and other injuries all over his

body. PW1 deposed that immediately after the accident, petitioner was shifted to Government Hospital, Asifabad where he took treatment and later he took treatment in private hospitals.

12) To prove his contention that he sustained injuries in the accident, he got filed Ex.A2 injury certificate, which shows that the petitioner sustained six simple injuries. Therefore, petitioner is awarded an amount of **60,000/-** (Rs.10,000/- per each injury) towards pain and suffering. In view of the injuries sustained by the petitioner, he is also awarded an amount **Rs.10,000/-** towards transport expenses, **Rs.10,000/-** towards extra nourishment, **Rs.10,000/-** towards attendant charges and **Rs.30,000/-** towards loss of earnings for two months @ Rs.15,000/- per month. Thus, in all, the petitioner is awarded an amount of **Rs.1,20,000/-** towards compensation.

13. On Issue Nos.1 to 4, this court gave finding that the accident occurred due to negligence on the part of the rider of crime vehicle in which the petitioner sustained injuries, rider of the crime vehicle was holding valid and effective driving licence and the crime vehicle is insured with respondent No.6 and the policy is in force as on the date of accident, therefore, the respondents 1 to 6 are jointly and severally liable to pay compensation to the petitioner.

ISSUE No.6:

14. **IN THE RESULT**, the claim of petitioner is allowed in part with proportionate costs against respondents 1 to 6, awarding compensation of **Rs.1,20,000/-** with interest at 7.5% per annum from the date of petition till the date of realization, payable by respondents 1 to 6 jointly and severally.

However, respondent No.6, being insurer is directed to deposit the awarded amount, costs and interest in Court within one month from the date of this order.

On deposit of awarded amount by respondent No.6, the petitioner permitted to withdraw entire amount awarded to him along with costs and interest. Advocate fee is fixed at Rs.2,000/-. Office is directed to prepare decree only after payment of required court fee by the petitioner.

Typed to my dictation by Stenographer, corrected and pronounced by me in open court on this the 5th day of March, 2026.

**CHAIRMAN,
MACT-CUM- DISTRICT
JUDGE, ADILABAD.**

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

For Petitioner:

PW1: Marsukola Suman @ Sumanth

For Respondent No.6:

RW.1: A.Karthik

EXHIBITS MARKED

For Petitioner:

Ex.A1 :	Attested copy of FIR in Cr.No.89 of 2022 of PS, Wankidi under section 304-A, 337, 279 IPC
Ex.A2 :	Attested copy of injury certificate of petitioner
Ex.A3 :	Attested copy of final report in Cr.No.89 of 2022 of PS, Wankidi under section 304-A, 337, 279 IPC
Ex.A4 :	Certified copy of insurance policy of motor cycle bearing No.TS-20-A-2677

For Respondent No.6:

Ex.B1 :	Attested copy of liability only policy of motor cycle bearing No.TS-20-A-2677
Ex.B2 :	Attested copy of Crime Details Form with rough sketch in Cr.No.89 of 2022 of PS, Wankidi

**CHAIRMAN,
MACT-CUM- DISTRICT
JUDGE, ADILABAD.**