

KABI010007992025



**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL-II
AT BALLARI**

DATED THIS THE 9TH DAY OF JUNE, 2026

: PRESENT :

SRI. H.A. MOHAN., B.A.L., LL.B.
1st Addl. District & Sessions Judge
and
Member, M.A.C.T-II, Ballari.

M.V.C. No.180/2025

CLAIMANTS :-

1. Smt. Boya Manikyamma
W/o Late Boya Pennayya,
Aged about 49 Years, Housewife.
2. Boya Hanumanthu
S/o Boya Pennayya,
Aged about 29 Years.
3. Tunukula Linga Reddy
S/o Late T. Pennaiah @ Boya
Pennayya,
Aged about 25 Years.
4. Smt. Ballari Eshwaramma
W/o Ballari Bheemappa,
D/o Late Boya Pennayya,
Aged about 24 Years, Housewife,
R/o 1/31, Rayamaplli,

Uravakonda Taluk,
Ananthapur District.

5. Boya Anjineyulu
S/o B. Eerappa,
Aged about 74 Years.
6. Smt. Boya Parvathamma
W/o Boya Anjineyulu,
Aged about 64 Years, Housewife.

The petitioner Nos.1 to 3, 5 and 6
are R/o B.C. Colony,
Brahmasamudram village,
Kaneikal Mandal, Ananthapur
district present residing at 3rd
Cross, Sathya Sai Colony, Patel
Nagar, Ballari.

(Sri. K. Nagesh., Advocate)

V/s

RESPONDENTS :-

1. Sakrappagari Ramanjineyulu
S/o S. Sakrappa,
Aged about 24 Years,
Driver of APSRTC Bus bearing
Regn. No.AP-29/Z-3862,
R/o 10-1-36-3S, NTR Colony,
Rayadurga,
Ananathapur district – 515 865.
2. The Divisional Controller cum
Managing Director,
Owner of the APSRTC Bus
bearing Regn. No.AP-29/Z-3862,

Vijayawada Urban Depot,
Andhra Pradesh.

(R-1 by Sri. P.K., Advocate)
(R-2 by Sri. K. Prahallad Reddy.,
Advocate)

J U D G M E N T

This is a petition filed under **Section 166 of M.V. Act, 1989**, seeking compensation for the death of husband of petitioner No.1, father of petitioner Nos.2 to 4 and son of petitioner Nos.5 and 6, in a road traffic accident.

2. Case of the petitioners in brief is that, on 6.2.2025 in the morning hours, deceased Boya Pennayya was proceeding from Kanekal towards his village Brahmasamudram and at about 7:40 P.M., when he was traveling in an Auto bearing Regn. No.AP-39/VE-4658 on Kanekal-Benakal BT road, the APSRTC Bus bearing Regn. No.AP-29/Z-3862 being driven by respondent No.1, came from opposite direction in a rash and negligent manner with high speed and dashed against Auto Rickshaw, as a result of which, said Boya Pennayya had sustained grievous injuries all over his body. Immediately, he was shifted to CHC, Kanekal and thereafter, he was shifted to

Saveera Hospital, Ananthapuram and then he was shifted to Sreenivasa Hospital, Bengaluru, for higher treatment. But, while taking treatment he died on 11.2.2025. The petitioners have incurred a sum of Rs.8,00,000 towards medical treatment.

3. It is further stated that, before the accident the deceased was hale and healthy, aged about 53 years and was working as Agriculturist and mason and earning Rs.5,00,000 Per annum and used to maintain all the family members. But, due to sudden death of earning member, in the road traffic accident, the petitioners have been put to great shock and agony, loss of income and they are unable to over come from the said untimely death of earning member of the family.

4. It is further stated that the accident was occurred due to negligent driving of respondent No.1 and therefore, the respondent No.2 being owner of the bus is liable to pay compensation. Therefore, the petitioners are entitled to get compensation under different heads.

5. In-response to notice issued, the Respondent Nos.1 and 2 have appeared through their Advocate and filed objections. But, the contentions are one and the same. It is stated that the alleged accident was not occurred due to any negligence on the part of first respondent. Therefore, the petitioners are required to give strict proof of several allegations. There is delay of one day in lodging complaint by concocting a false story and in order to get compensation. Deceased himself and driver of Auto were responsible for the alleged accident. Therefore, the respondents are not liable to pay compensation. Accordingly, prayed to reject the petition.

6. Upon considering the materials proposition of law and the facts pleaded, my predecessor has framed the following Issues :-

: <u>ISSUES</u> :	
1.	Whether the petitioners prove that, the deceased Boya Pennayya S/o Boya Anjineyulu was died in Road Traffic Accident that was occurred on 6.2.2025 at about 7:40 P.M., at

	Government Farm, near Kanekal village, on Kanekal-Benakal BT road, Kanekal, Ananthapur District (A.P), due to rash and negligent driving of APSRTC Bus bearing Regn. No.AP-29/Z-3862 by the first Respondent?
2.	Whether the petitioners are entitle for compensation as prayed for? If so, from whom?
3.	What order or an Award?

7. In order to prove the Issues, first petitioner filed her affidavit in-lieu of evidence as P.W.1 and got marked documents as Exs.P.1 to P.22 and closed her side.

8. On the other hand, the respondent No.1 has filed his affidavit in-lieu of evidence as R.W.1. But, he has not got marked any documents. Second respondent has not adduced any evidence.

9. Heard the learned counsel for petitioners and respondents.

10. My answer to the above Issues are as under :-

Issue No.1	:	In the Affirmative.
Issue No.2	:	Partly in the Affirmative.
Issue No.3	:	As per final order, for the following :

REASONS

11. **Issue No.1** :- In order to substantiate the contentions of the petitioners, they are relied upon the certified copy of F.I.R., complaint, charge sheet, P.M. Report and medical documents.

12. A perusal of the said documents, the same disclose that the accident was taken place on 6.2.2025 on account of rash and negligent driving of the APSRTC Bus by the respondent No.1. The police have conducted investigation and submitted charge sheet. No case has been registered against the driver of the Auto Rickshaw. The respondents have not produced any contrary documents. R.W.1 has admitted that the charge sheet has been submitted against him and he was driving the bus.

13. The arguments that, the deceased was traveling in a Goods vehicle and therefore, there was negligence on

his part, cannot be accepted in the absence of any material. Of-course, in the F.I.R., it is mentioned that he was traveling along with luggage. Whether luggage belongs to deceased or any other persons is not forthcoming. But, while he was traveling in the Auto Rickshaw, bus hit the same and on account of the same, he had sustained grievous injuries and later succumbed to injuries on 11.2.2025 in the hospital. Therefore, the above said material clearly establishes that the accident was occurred due to rash and negligent driving of the respondent No.1. Hence, without much discussion, I answer Issue No.1 in the Affirmative.

14. **ISSUE No.2** :- In this case, deceased was aged about 54 years as per medical documents and he died in the accident. But, the petitioners have not produced any documents to show that he was doing agriculture and mason work and earning Rs.5,00,000 per year. Therefore, in the absence of any material in that regard, the case of the petitioners cannot be accepted in that regard.

15. The learned counsel for the respondents submitted a Memo along with copy of the Judgment in **MFA No.5097 of 2023 (MV-D) (Manager vs 1. Banda Saraswathi & Others)** was passed by the Hon'ble High Court of Karnataka dated 7.4.2026. A perusal of the said Judgment, it discloses that in connection with the person who died in the accident, who was the resident of Andhra Pradesh, the Hon'ble High Court of Karnataka has held that as per Chart of the Andhra Pradesh, the notional income of Rs.7,000 P.M., for the year 2018 was to be taken. Here, in this case also, the petitioners are from Andhra Pradesh. There is no dispute in that regard. Therefore, the said Judgment is applicable to the case in hand.

16. As per the said Judgement, notional income is to be taken. Rs.7000/- P.M., was taken for the year 2018. This accident was taken place in the year 2025. But, here in this case, the chart is not produced. However, having regard to the fact that the accident was taken in the place

in the year 2025, notional income at Rs.12,000 P.M., may be taken.

17. Having regard to materials placed, since deceased was aged in between 51 to 60, as per decision in Sarla Verma case, the additional 10% shall be added to that income. It comes to Rs.13,200/- P.M. Here in this case, there are six petitioners. The petitioner No.4 is a married daughter of deceased. Therefore, she cannot be considered as dependent. However, since there are more than four dependents, 1/4th shall be deducted towards personal expenses of the deceased as per decision in Sarla Verma's case. After deducting the same, the loss of dependency comes to Rs.9,900/- P.M. The annual dependency comes to Rs.1,18,800/-. The multiplier 11 is applicable to the age between 51 to 55 Years. If it is multiplied by 11, the dependency comes to Rs.13,06,800/- and the same is awarded for loss of dependency.

18. Now, law is settled with regard to awarding compensation on conventional heads. In a decision reported in **2017 ACJ 2700**, Constitution Bench of the

Hon'ble Supreme Court, in the case of **National Insurance Company Limited V/s Pranay Sethi and Others**, discussed about the said aspects and held that loss to estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. It is also observed that 10% shall be enhanced once in every three years. The said Judgment was passed in the year 2017. Therefore, already nine years have lapsed. Hence, it is necessary to take 30% additional benefits and it come to Rs.19,500, Rs.52,000 and Rs.19,500 for the loss to estate, loss of consortium and funeral expenses respectively.

19. The petitioners are also claiming the medical expenses spent for treatment of the deceased. They have produced bills for a sum of Rs.4,40,546/- as per Ex.P.13. The bills are original and the same are supported by prescriptions. Therefore, there is no reason to discard the same. Hence, the petitioners are also entitled to get Rs.4,40,546 towards medical expenses. Therefore, in all, the petitioners Nos.1 to 3, 5 and 6 are entitled for total compensation of Rs.18,38,346/-.

20. The respondent No.1 is the driver and the respondent No.2 is the owner of the Bus in question. Therefore, they are jointly and severally liable to pay compensation to petitioners. The respondent No.2 being the owner is liable pay the compensation to the petitioner Nos.1 to 3, 5 and 6.

21. The petitioner No.1 is the wife of deceased is entitled to get 40% of the compensation and the petitioner Nos.2 and 3 being the major children are entitled to get 10% each and the petitioner No.5 and 6 being parents of deceased are entitled to get 20% each compensation with interest. Out of the amount awarded in favour of the petitioners, 70% shall be released in their favour and remaining 30% shall be kept in Fixed Deposit in any Nationalized bank in their names for a period of three years. Accordingly, I answer **Issue No.2 Partly in the Affirmative.**

22. **ISSUE No.3** :- In the result, I proceed to pass the following :-

ORDER

The claim petition filed by the petitioners **U/Section 166 of the Motor Vehicles Act, 1988** is hereby partly allowed with costs.

The petitioner Nos.1 to 3, 5 and 6 are entitled to get total compensation amount of **Rs.18,38,346/-(Rupees Eighteen Lakhs, thirty-eight thousand and three hundred forty-six Only)** with interest @ **6% P.A.**, from the date of petition till its realization from the respondents.

The Respondent Nos.1 and 2 are liable to pay the compensation to the petitioners.

The respondent No.2 being the self-insurer is directed to deposit the entire compensation amount along with interest @ 6% P.A., before the Tribunal from the date of petition till the date of payment, **within 2 months** from the date of award, failing which the petitioners are at liberty to recover the same in accordance with law.

After deposit, the petitioner Nos.1 to 3, 5 and 6 are entitled to apportion the compensation amount at the ratio of **40:10each:20each** respectively and 70% of the deposited amount shall be released in favour of petitioners on proper identification and remaining 30% shall be kept in Fixed Deposit in the name of petitioners

in any Nationalized bank, for a period of three years.

Advocate fee is fixed at Rs.2,000/-.

Draw award accordingly.

(Dictated to the Stenographer Grade-I, transcribed and computerized by him, corrected and then pronounced by me in the open Court on this **9th day of June, 2026**)

(H.A. MOHAN)

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.

ANNEXURE

LIST OF WITNESSES EXAMINED ON BEHALF OF CLAIMANTS :-

P.W.1. Smt. Boya Manikyamma.

LIST OF EXHIBITS MARKED ON BEHALF OF CLAIMANTS :-

- Ex.P.1. Certified copy of F.I.R.
- Ex.P.2. Certified copy of Complaint.
- Ex.P.3. Kannada Translation copy of Ex.P.2.
- Ex.P.4. Certified copy of F.I.R.
- Ex.P.5. Certified copy of another complaint.
- Ex.P.6. Certified copy of Kannada translation of Ex.P.5.
- Ex.P.7. Certified copy of Inquest panchanama.
- Ex.P.8. Certified copy of Kannada translation of Ex.P.7.

- Ex.P.9. Certified copy of Accident Inspection Report.
Ex.P.10. Certified copy of P.M.E. Report of deceased.
Ex.P.11. Certified copy of charge sheet.
Ex.P.12. Certified copy of Discharge summary.
Ex.P.13. 40 Medical bills.
Ex.P.14. 15 Lab Reports.
Ex.P.15. 04 Digital Radiology Report.
Ex.P.16. 17 Suggestion chits/Prescriptions.
Ex.P.17. Copy of Aadhaar card of petitioner No.1.
Ex.P.18. Copy of Aadhaar card of petitioner No.2.
Ex.P.19. Copy of Aadhaar card of petitioner No.3.
Ex.P.20. Copy of Aadhaar card of petitioner No.4.
Ex.P.21. Copy of Aadhaar card of petitioner No.5.
Ex.P.22. Copy of Aadhaar card of Deceased.

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS :-

R.W.1. Sakrappagari Ramanjineyulu.

LIST OF EXHIBITS MARKED ON BEHALF OF RESPONDENTS :-

// NIL //

1st Addl. District & Sessions Judge &
Member, M.A.C.T-II, Ballari.