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BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL-CUM-  
PRINCIPAL DISTRICT JUDGE, KADAPA.

**Present: Dr.C.YAMINI,**  
CHAIRPERSON, MOTOR ACCIDENT CLAIMS TRIBUNAL-CUM-  
PRINCIPAL DISTRICT JUDGE, KADAPA.

**TUESDAY, THIS THE 11<sup>th</sup> DAY OF NOVEMBER, 2025.**

**M.V.O.P.No.553 of 2022**

1. N.Rama Mohan Reddy
2. N.Udaya Dattudu
3. N.Maheeja

Petitioners No.2 and 3 are minors, represented by their next  
friend father i.e., petitioner No.1 as a natural guardian

... Petitioners.

Vs

1. R.R.R. Transport. rep. by its Manager (Owner)
2. The Oriental Insurance Company Ltd. (Insurer)
3. Selvam Pichhandi (Owner)

... Respondents.

This petition coming on 07.11.2025 for final hearing before this Court in the presence of Sri.M.Ramanja Reddy, Advocate for petitioners, and of Sri A.Nagarjuna, Advocate for Respondents No.2, and Respondents No.1 and 3 remained exparte, and upon perusing the material available on record and the matter having stood over for consideration till this day, this Court made the following:-

## **ORDER**

**01.** Petitioners herein filed this petition under Section 166 of M.V. Act claiming compensation of Rs.1,34,14,995/- on death of deceased T.Nalini Devi in Motor Accident.

**02. The brief facts of the petition are that:-**

(i) On 17.08.2022, while 1<sup>st</sup> petitioner along with his wife/deceased in this O.P along with his subordinates were proceeding in car bearing No.AP-39-X-8977 from Kadapa to Pulivendula and at about 8.45 AM, in By-pass road leading to Pulivendula, after crossing Pabbapuram cross road and after crossing the railway bridge and when the car was proceeding on left side of the road on normal speed, at that time, R1's lorry bearing No.TN-23-CR-0522 came from it's behind in a rash and negligent manner at high speed without blowing horn towards right side of the car and all of a sudden turned the lorry towards left side of the car and while crossing the car hit the car and dragged to some distance. As a result, the car rolled on the road. In that accident, deceased sustained fatal injury to her back side of the head, 1<sup>st</sup> petitioner and others sustained injuries. Immediately, deceased was shifted in 108 ambulance to RIMS Hospital, Kadapa, while undergoing treatment, she succumbed to head injury at about 10.54 AM on the same day. The said accident occurred due to the rash and negligent driving of the driver of lorry.

(ii) Deceased was aged about 44 years and her Date of Birth was 10.08.1978 and earning Rs.96,292/- towards gross salary and after deducting Rs.5,000/- for Income Tax and Rs.200/- for profession Tax, her net salary was Rs.91,092/- per month. She is entitled for 30% towards future prospects. Petitioners are entitled for loss of estate, funeral expenses and 1<sup>st</sup> petitioner is entitled for loss of consortium. Therefore,

R.1 being the owner of the lorry bearing No.TN-23-CR-0522, R.2 being it's Insurance Company and R.3 being it's driver are jointly and severally liable to pay the compensation.

**03.** Respondents No.1 and 3 remained exparte.

**04.** Respondent No.2 filed written statement denying the material petition averments and further contended that, even if petitioners proves that the accident occurred, there is contributory negligence on part of the car driver and there is no negligence on part of the driver of crime lorry. R.1 failed to intimate the accident. R2 insured the lorry bearing No.TN-23-CR-0522 subject to the terms and conditions of the policy and driver should possess valid and effective driving licence and the vehicle should have Fitness Certificate. The driver of the lorry did not possess valid and effective driving licence. R.2 denies the age and income of the deceased. R2 seeks protection U/Sec.170 of M.V Act. Compensation and interest claimed by the petitioners is excessive and claimed to dismiss the petition with costs.

**05.** Basing on the above averments, the following issues were settled for trial.

*1. Whether the deceased N.Nalini Devi died due to the injuries sustained in motor vehicle accident occurred on 17.08.2022 at about 8.45 A.M in Bypass road leading to Pulivendula after crossing Pabbapuram cross road due to rash and negligent driving of driving of Lorry bearing No. TN-23-CR-0522?*

*2. Whether there was contributory negligence on part of the driver of the Car bearing No.AP39-X-8977 in driving the same?*

*3. Whether the petitioners are entitled for compensation, if so from whom and to what amount ?*

*4. To what relief?*

**06.** On behalf of petitioners P.W.1 and P.W.2 were examined and got marked Ex.A.1 to Ex.A.5, Ex.X1 and Ex.X2. On behalf of respondents, none of the witness were examined and no documents were marked.

**Issues No.1 and 2:**

**07.** Oral Evidence of P.W.1 coupled with Ex.A1 attested copy of F.I.R reveals that on 17.08.2022 while he along with his wife/deceased and others were proceeding in a car bearing No.AP-39-X-8977 to go to Pulivendula from Kadapa and at about 8.45 AM, in By-pass road leading to Pulviendula, after crossing Pabbapuram cross road and after crossing the railway bridge and when the car was going on left side of the road on normal speed, R.1 driver of the lorry bearing No.TN-23-CR-0522 came from it's behind in a rash and negligent manner at high speed without blowing horn towards right side of the car and all of a sudden turned the lorry towards left side of the car and while crossing the car, hit the car and dragged to some distance, as a result, the car rolled on the road. In the said accident, his wife sustained fatal injury to her back side on the head and other parts of the body and she died at 10.45 AM while undergoing treatment at RIMS Hospital, Kadapa on the same day. The contents of Ex.A3 attested copy of postmortem report reveals that the deceased in this case died due to intracranial bleeding associated with cervical spine injury. The contents of Ex.A4 attested copy of Inquest Report reveals that the deceased namely Nandimandalam Nalini Devi died due to the high speed and negligent driving of driver of Lorry bearing No. TN-23-CR-0522 without giving signals turned on left side and hit the lorry to the car and dragged the car to some extent and causing the death of deceased in this O.P. After investigation, the Investigating Officer filed charge sheet against R.3 showing him as responsible for the said accident. Absolutely,

there is no other evidence to rebut the same. Respondents filed to establish the contributory negligence on the part of the driver of the car bearing No.AP-39-X-8977 for causing the death of deceased in the accident. Hence, placing reliance of the oral evidence of P.W.1 and on the contents of Ex.A1 attested copy of F.I.R, on the contents of Ex.A2 attested copy of charge sheet, on the contents of Ex.A3 attested copy of postmortem report and on the contents of Ex.A4 attested copy of inquest report, I find that the said accident was occurred due to the rash and negligent driving of driver of Lorry bearing No. TN-23-CR-0522 and the deceased N.Nalini Devi died due to the injuries received by her in that accident and that there is no contributory negligence on the part of the driver of the car bearing No. AP-39-X-8977. Accordingly, Issues No.1 and 2 are settled.

### **Issue No.3:**

**08.** Oral evidence of PW-1 reveals that he is the husband of the deceased and 2<sup>nd</sup> 3<sup>rd</sup> petitioners are their minor children and the deceased in this case died in motor accident and Date of Birth of deceased was 10.08.1978 i.e, running 44 years and she was drawing salary of Rs.96,292/- and paying Rs.5,000/- towards Income Tax and Rs.200/- towards Profession Tax and her net salary was Rs.91,092/- and they are entitled to 30% towards future prospectus. and they are also entitled to Rs.15,000/- towards funeral expenditure and Rs.15,000/- towards loss of estate and Rs.40,000/- toward filial compensation.

**09.** Evidence of PW-2 coupled with Ex.X1 SR copy of deceased and Ex.X2 salary certificate of the deceased reveals that PW-2 is working as Principal, APSWRS Junior College, Piler, Chittoor District since 2023. On receiving summons, she came to Court to give evidence and to produce

documents. **Ex.X1** is the SR copy of deceased Nalini Devi and she produced attested copy of Salary Certificate of deceased T.Nalini Devi. Her net salary was Rs.74,332/- for the month of July, 2022 and her gross salary was Rs.93,292/- and IT deduction Rs.5,000/- and GSLI is Rs.200/- and Profession Tax is Rs.200/-. **Ex.X2** is the Salary Certificate of the deceased Nalini Devi. As per SR, date of birth of deceased was 10.08.1978.

**10.** Thus as on the date of death of deceased, deceased was running 45<sup>th</sup> year and salary of deceased after deducting Rs.5,000/- towards Income Tax and Rs.200/- towards Profession Tax was Rs.91,092/- per month. By following Pranay Sethi Case, 30% of income of the deceased has to be added towards future prospectus and thereby Rs.27,327.60Ps rounded as Rs.27,328/- has to be added to the monthly salary of the deceased and thereby monthly salary has to be taken into consideration at Rs.1,18,420/- i.e., Rs.14,21,040/- per annum.

**11.** As per Sarla Varma's case, since the age of the deceased was 44 years and running 45 years, thereby the multiplier that can be applied is '**14**'.

**12.** The claimants being three in number, 1/3rd of the amount has to be deducted towards the personal expenditure of the deceased. Herein this O.P, though 1<sup>st</sup> petitioner is husband of the deceased. 2<sup>nd</sup> and 3<sup>rd</sup> petitioners are minor children of the deceased and thus minor children of the deceased can be termed as dependents and 1<sup>st</sup> petitioner is entitled loss of services of his wife.

**13.** Therefore, taking into consideration of age of the deceased as 45 years, the multiplier that can be applied is 14 and income of the deceased at Rs.14,21,040/- per annum and 1/3rd of that amount has to deducted towards her personal expenditure and her contribution to her family is worked out at Rs.9,47,360/- per annum and dependency of the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners and loss of services of deceased to 1<sup>st</sup> petitioner is worked out at **Rs.1,32,63,040/-**.

**14.** The 1<sup>st</sup> petitioner being the husband of deceased, is entitled to **Rs.48,000/-** towards loss of consortium. 1<sup>st</sup> petitioner being husband of the deceased, 2<sup>nd</sup> and 3<sup>rd</sup> petitioners being the minor children of the deceased are entitled **Rs.18,000/-** towards loss of estate and **Rs.18,000/-** towards funeral expenses. Thus in all petitioners herein are entitled to **Rs.1,33,47,040/-**. Therefore, R.1 being the owner of the Lorry bearing No.TN-23-CR-0522, R.2 being it's Insurance Company and R.3 being it's driver are jointly and severally liable to pay the compensation. Accordingly, Issue No.3 is settled.

#### **Issue No.4:**

**15.** In the result, petition is allowed in part granting compensation of **Rs.1,33,47,040/-** with interest at 7.5% per annum from the date of the petition till the date of deposit with proportionate costs and interest. All the respondents are liable to pay the compensation. Time for deposit is one month. On such deposit, 1<sup>st</sup> Petitioner is entitled to **Rs.44,83,680/-** and petitioners No.2 and 3 are entitled to **Rs.44,31,680/- each** with proportionate costs and interest. 1<sup>st</sup> petitioner is permitted to withdraw the same. By following the Judgment of our Hon'ble Supreme Court in ***Parminder Singh Vs. Honey Goyal and Others***, Respondent No.2 has to directly deposit/credit the respective shares of petitioners in their

respective S.B. Accounts. The petitioners are directed to submit their respective S.B. Account 1<sup>st</sup> page containing the name of the petitioner along with account number within seven days from this date by giving copy of the same to the Respondent No.2 and on such payment the concerned Bank shall keep the 2<sup>nd</sup> and 3<sup>rd</sup> minor petitioner's share of compensation with proportionate costs and interest in the form of F.D.R until the 2<sup>nd</sup> and 3<sup>rd</sup> minor petitioners attain majority and the 1<sup>st</sup> petitioner being guardian of the 2<sup>nd</sup> and 3<sup>rd</sup> petitioners shall co-operate and take steps for keeping the minor's share of compensation with interest in F.D.R. The concerned Bank shall not encash F.D.R unless this court permitted to encash the same or the minors attain majority whichever is earlier.

Advocate fee is fixed at Rs.5,000/-. Rest of the claim of the petitioners is dismissed.

Typed to my dictation by the Stenographer Gr.III, corrected and pronounced by me in open court, this the 11<sup>th</sup> day of November, 2025.

Sd/-Dr.C.YAMINI ,  
CHAIRPERSON,MACT-CUM-  
PRINCIPAL DISTRICT JUDGE,  
KADAPA.

**Appendix of Evidence**  
**Witnesses Examined for:**

**For the petitioners:**

**P.W.1 :** N.Rama Mohan Reddy

**P.W.2 :** G.Baby Karuna

**For respondents:**

-NIL-

**Documents marked for the petitioners:**

**Ex.A.1:** Attested Copy of FIR in Crime No.298/2022 of C.K.Dinne P.S.

**Ex.A.2:** Attested Copy of Charge Sheet.



**Ex.A.3:** Attested Copy of Postmortem Certificate.

**Ex.A.4:** Attested Copy of Inquest Report.

**Ex. A.5:** Pay Slip of deceased for the month of July, 2022 issued by APSWRS Junior College, Pileru.

**Ex.X.1:** SR copy of deceased Nalini Devi

**Ex.X.2:** Salary Certificate of the deceased Nalini Devi

**Documents marked for respondents:** -NIL-

Sd/-Dr.C.YAMINI ,  
CHAIRPERSON, MACT – CUM-  
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