

**IN THE COURT OF MOTOR ACCIDENT CLAIMS TRIBUNAL-CUM-
I ADDITIONAL DISTRICT JUDGE AT NIZAMABAD**

Present: **Smt.Harisha**
Chairman, Addl.MACT-cum-
I Addl. District Judge, Nizamabad

Dated this the 8th day of July, 2026

M.V.O.P.No.409 of 2020

Between:

1. Gopineni Ramesh, S/o Devanna, age 29 years, Occ: Agriculture
 2. Bollaram Lasmavva, W/o Bollaram Yeraiah, age 45 years, Occ: Household
 3. Bollaram Yeraiah, S/o Bollaram Karrenna, age 50 years, Occ: Nil
- All are R/o H.No.3-82/5, Jannipalle village of Navipet Mandal, Dist. Nizamabad.

... PETITIONERS

AND

1. Abdul Majid, S/o Abdui Jabbar, aged major, Owner of motor cycle bearing No.TS-16-EY-1669, R/o H.No.7-71, Nehru Nagar, Sarangapur, Nizamabad Telangana State -503186
2. Bajaj Allianz General Insurance Company Limited, rep. by its Branch Manager, Branch Office D.No.8-6-126, 1st Floor, Near Kothibomma Circle, Kithirampur, Karimnagar-505 001 (Cell No.9133117555) (vide Police No.OG-20-1810-1826-00008292 valid from 12-03-2020 to 11-03-2021)
3. The Panchayathi Secretary, Grama Panchayathi, Indalwai village and Mandal, Nizamabad District, Owner of Tractor bearing Temporary No.TS-16-AG-TR-6343
4. MAGMA HDI General Insurance Company Limited, rep. by its Branch Manager, Branch Office, H.No.202/V, 2nd Floor, Mandana Towers, at 7-1-59/1 and 59/6, Ameerpet, Hyderabad-Telangana State-500016. (vide Policy No.P0021300035/4107/100298 valid

CHAIRMAN,
MACT CUM IV ADJ

from 22-06-2020 to 21-06-2021)

... RESPONDENTS

This Original petition is coming on before me for final hearing on 22.06.2026 in the presence of Sri V.Raghuveer Bhupal, Advocate for petitioners and of Sri A. Ramesh, Advocate for Respondent No.1, Smt. H. Ankitha, Advocate for Respondent No.2, Sri Ega Gangareddy, Government Pleader for Respondent No.3 and Sri M.V. Narsimha Reddy, Advocate for Respondent No.4 and on hearing both sides and the matter having stood over for consideration till this day, this Court made the following:

ORDER

1. This claim petition is filed under section 166 (1) (c) of the Motor Vehicles (in short "MV") Act 1994 read with Rule 455 of A.P. Motor Vehicle Rules 1989 claiming compensation of Rs.20,00,000/- (Rupees twenty lakhs only) together with interest at 24% p.a., from the Respondent Nos.1 to 4 for the death of Bollaram Rajitha @ Gopineni Sahastra, W/o Gopineni Rmesh, aged 22 years in a motor vehicle Accident.

2. The brief averments of the claim petition are as follows :

(a) The deceased by name Bollaram Rajitha @ Gopineni Sahastra was a Tailor and was doing Saree business and agriculture. On 21.09.2020 the deceased was traveling on the motor cycle bearing

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No.TS-16-EN-3571 from Nallavelly village towards Nizamabad side and her brother Bollaram Gangadhar was driving the motor cycle very slowly and cautiously on his left side of the road and when the motor cycle reached in the limits of Thirmanpally village sivar at about 8-00 a.m., meanwhile a motor cycle bearing No.TS-16-EY-1669 drove by its rider in a rash and negligent manner at high speed and lost control over the motor cycle and drove on wrong side of the road and dashed the motor cycle bearing No.TS-16-EN-3571 by coming in the opposite direction, as a result of which the deceased and rider of motor cycle bearing No.TS-16-EN-3571 Bollaram Gangadhar fell down from the motor cycle, at the same time a Tractor bearing Temporary No.TS-16-AG-TR-6343 drove by its driver in a rash and negligent manner at high speed and lost control over the Tractor and the Tractor run over the body of the deceased and right leg of Bollaram Gangadhar. Due to which the deceased sustained multiple fractures to skull, fracture of ribs and fracture of right hand and other multiple and grievous injuries all over the body and Bollaram Gangadhar sustained multiple fractures and grievous injuries all over the body. Immediately, the deceased was shifted in 108 Ambulance to Vishnavi Hospital, Nizamabad, from there she was shifted to Manorama Hospital,

Nizamabad and she died due to injuries received by her in the accident. The petitioners have incurred an expenditure more than a sum of Rs.2,00,000/- towards, transportation of dead body and for performing the funeral and last rites of the deceased.

(b) Based on the report the police, P.S. Indalwai registered case in Crime No.129 of 2020 under section 337 and 304-A of the Indian Penal Code against the Pulsar driver and Tractor driver and in the charge sheet filed by the police for the said offences under section 338 and 304-A of the Indian Penal Code against one Abdul Majid/Respondent No.1 and Thalari Raj Kumar/Tractor driver.

(c) The deceased was hale and healthy at the time of accident, he was aged 22 years, she was a Tailor and also was doing Saree business and agriculture and was earning more than Rs.30,000/- per month from all sources and was contributing her entire income and earnings to the petitioners for their maintenance and to meet their necessities. The petitioner No.1 is the husband and the petitioners 2 and 3 are the parents of the deceased and they are depending on the earnings of deceased and after death of deceased, the petitioners have been subjected not only for monetary loss, but also to loss of

love and affection and the petitioners have been subjected to mental agony. Since the accident occurred due to rash and negligence on the parts of the drivers of the both the vehicles motor cycle bearing No.TS-16-EY-1669 and Tractor bearing Temporary No.TS-16-AG-TR-6343, as such owners of said vehicles Respondent Nos.1 and 3 and insurers Respondent Nos.2 and 4 are liable for compensation to the petitioners.

3. The Respondent No.1 filed counter. The brief averments of the counter are :

(a) He denied the material allegation of the petition such as accident on alleged date, manner of driving of the motorcycle by the rider of Motorcycle, manner of his driving, sustaining injuries by the deceased and Bollaram Gangadhar, shifting of the injured to the hospital, death of deceased due to alleged accident and injuries, alleged expenditure incurred by the petitioners and also denied the occurrence of accident due to rash and negligence on the part of the drivers of the vehicles. It is submitted that the petitioners have falsely implicated the vehicle of Respondent No.1 in this case by noting the number while passing, neither Respondent No.1 nor his

vehicle involved in the alleged accident nor the Respondent No.1 responsible for the accident nor for the injuries caused to him. Respondent No.1 denied the age, occupation, earning capacity of deceased and submitted that the compensation claimed by the petitioners is exorbitant. He submitted that he is the owner of motor vehicle and insured the same with Respondent no.2, hence if the court comes to conclusion the compensation, may be allowed against the Respondent No.2 and prayed to dismiss the petition against the Respondent No.1

4. The Respondent No.2 company filed counter. The brief averments of the counter are :

(a) Respondent No.2 submitted that it cannot confirm whether Vehicle No. TS-16-EY-1669 was insured with it at the relevant time because sufficient insurance details have not been provided. It requests that the vehicle owner be directed to produce the insurance policy. If the policy is not produced, Respondent No.2 asks the court to presume that it is not the insurer, remove its name from the case, and award compensatory costs in its favor.

(b) The insurance company submits, without admitting the claimant's allegations or waiving its other objections, that the claim application is legally defective because it does not provide the mandatory details of the drivers involved in the accident. It is submitted that the claimant failed to submit any document identifying the drivers at the time of the alleged accident.

(c) The Respondent No.2 insurance company denies liability for any compensation. It does not admit that an insurance policy was issued or that the vehicle was involved in the incident. It further contends that the petitioner's allegations are false and fabricated for wrongful gain, and therefore seeks dismissal of the claim against it. According to the available information, the accident was allegedly caused solely by the vehicle bearing registration No. TS-16-AG-TR-6343 and the rider of motorcycle No.TS-16-EN-3571, on which the deceased was reportedly traveling as a pillion rider. The insurance company contends that the driver of vehicle No. TS 16 EY 1669 was not negligent and alleges that the petitioners, in collusion with the other Respondents and concerned authorities, falsely implicated that vehicle to obtain unlawful compensation from the insurance company.

(d) The rider of Motorcycle No.TS-16-EN-3571 was negligent, alleging that the rider violated traffic rules, he was not wearing a helmet, and lacked valid vehicle documents, insurance, and a driving licence and that the accident occurred due to the rider's negligence, which should be attributed to a greater extent. It is further submitted that the claim petition is defective because it does not include the owner, rider, and insurer of Motorcycle No.TS-16-EN-3571 as necessary parties, making the claim liable to be dismissed for non-joinder of necessary parties.

(e) It denies issuing the insurance policy and insured vehicle was involved in the accident, denies liability, and denies that its driver was driving rashly or negligently. Without conceding any of these points, it argues that even if the petitioners prove the policy, vehicle involvement, and negligence, petitioner are still not entitled to compensation from the insurer. According to the complaint attached to the FIR, the accident was caused solely by the rash and negligent driving of an unregistered tractor that ran over the deceased and her brother while they were traveling on a motorcycle. Therefore, the insurer submit that any claim for compensation should be made only against the tractor's driver, owner, and insurer, and that the claim

against this insurance company is not maintainable and should be dismissed.

(f) The insurance company submitted that the rider did not have a valid or effective driving licence at the time of the accident, was not qualified to obtain one, and failed to comply with Rule 3 of the Central Motor Vehicles Rules, 1989. It further alleges that the vehicle owner knowingly allowed the unlicensed rider to use the vehicle, violating the provisions of the Motor Vehicles Act and related rules. Therefore, the insurer argues that it is not liable to pay any compensation, which should instead be borne by the other Respondents, and that the claim against the insurance company should be dismissed.

(g) The Respondent no.2 submitted that it is not liable to pay compensation because the statutory requirements under the Motor Vehicles Act, 1988 were not complied with. Specifically, the registered owner allegedly failed to fulfill the mandatory obligations under Section 134(c) by not providing essential details such as the insurance policy, accident particulars, injured person's details, and the driver's licence information. The concerned police station allegedly

failed to comply with Section 158(6) of the Motor Vehicles Act by not forwarding the relevant accident documents to the insurer within 30 days. The petitioners are required to prove that the vehicle (TS-16-EY-1669) was being used without any violation of permit conditions or traffic rules under the Motor Vehicles Act and Rules. The Respondent also argues that the petitioners' claim for interest at 24% per annum is excessive and contrary to the Interest Act, 1978 and the principles laid down by the Supreme Court of India.

(h) The Respondent No.2 is not aware and denies for want of knowledge that the deceased aged about 22 years used to earn Rs.30,000/- per month by doing Tailoring, Saree Business and agriculture etc., however the petitioners are put to strict proof with documentary evidence regarding the age, occupation and income of the deceased. The Respondent denied the relationship of the petitioners with the deceased since the petitioners failed to file any document establishing the dependency of the petitioners on the income source of the deceased.

(i) The Respondent No.2 craved leave of this court to take all defenses available to the Respondent No.2 under Motor Vehicles

Act and contest the case on all the grounds apart from those specified u/s 149(2) of Motor Vehicles Act and to file additional counter at a later stage as and when the better particulars come to its knowledge and that the quantum of compensation claimed by the petitioners is exorbitant and against law and prayed to dismiss the petition.

5. The Government Pleader on behalf of the Respondent No.3 filed Counter. The brief averments of the counter are :

(a) The claim of the petitioners is high and more over as per the police, Respondent No.3 Tractor and driver is not the accused in the FIR, the motorcycle rider i.e., Respondent no.1 is responsible for the said accident.

(b) The Tractor is having valid insurance with the Respondent No.4 company vide Policy No. P0021300035/4107/100298 valid from 22-06-2020 to 21-06-2021, as such prayed to dismiss the petition against Respondent No.3.

6. Respondent No.4 filed counter denying the material averments of the petition, such as alleged manner of accident, involvement of said Tractor in the accident, age, avocation, occupation, earning

capacity, relationship of deceased with the petitioners, dependency of the petitioners on the earnings of deceased. Respondent no.4 submitted as under:

(a) The petitioner and Respondent no. 3 must prove that alleged owner Respondent no. 3 registered owner of Tractor bearing No.TS 15 AG TR 6343 and used allege vehicle and it was in exclusive possession of Respondent no. 3. That this Respondent is not liable to pay any compensation for the alleged death of the as the rider of the motor cycle No.TS-16-EN-3571 on which the deceased stated to have been traveling has contributed the accident by driving the said Motor cycle in a rash and negligent manner and caused the accident, as such, this petition is not maintainable and is liable to be dismissed. It is further denied that the rider of the motor cycle No.TS-16-EN-3571 was holding a valid, effective and subsisting driving license to drive the Motor cycle at the time of accident.

(b) That the insured and insurer of the Motor cycle No.TS-16-EN-3571 are proper and necessary parties to avoid double claim from the owner and insurance company of the said Motor cycle and this petition is liable to be dismissed with costs for non joinder of necessary parties to the proceedings, however the petitioners are put

to strict proof of the same. That Respondent No.4 submits that, the Respondent no.3/owner of the Tractor No.TS-16-AG-TR-6343 has obtained Temporary Registration for engine number and chassis number, and the temporary registration is valid only up to 23.07.2020, and the Respondent no.1/owner of the said vehicle has to get permanent registration on or before 23.07.2020, but, the first Respondent without getting permanent registration of the vehicle, plied the Tractor on the public roads without having proper registration as on the date of alleged accident i.e on 21.09.2020, as such, the third Respondent willfully and knowingly violated the terms and conditions of M.V. Rules and policy conditions, and thereby, committed breach of contract, therefore, this Respondent company is not liable to any compensation to the petitioner, and the claim petition liable to be dismissed against this Respondent no.4, however the petitioners are put to strict proof of the same.

(c) That the Respondent No.4 further submits that, as per the FIR and other police documents, at the time of the alleged accident, the deceased was proceeding on the motor cycle No.TS-16-EN-3571 as pillion rider from Nallavelly village towards Nizamabad side, and when reached in the limits of Thirmanpally village shivar, a motor

cycle No.TS-16-EY-1669 being driven by its driver in a rash and negligent manner with high speed came from opposite direction and dashed against the motor cycle no. TS-16-EN-3571, due to which, the deceased and rider of the motor cycle were fell down from the motor cycle, and sustained injuries and fractures, hence it is very clear that the accident occurred with the Motor cycle No.TS-16-EY-1669 only, and the petitioners in collusion with the police have foisted a false case against the Tractor by involving it in the alleged accident. As such the petition is not maintainable and liable to be dismissed with costs against the Respondent no.4

(d) Further the Respondent No.4 submitted that the insured of this Respondent has colluded with the petitioner and hence has not reported the matter of the accident to the Respondent company soon after the accident, and the police have also not intimated the same to the company and details of the accident under section 158 (6) of Motor Vehicles Act in Form no.54, in respect of the accident and violated the provisions of Motor Vehicles Act as such it is denied that there was an accident as alleged by the petitioners with the Tractor No.TS-16-AG-TR-6343, however the petitioners are put to strict proof of the same.

(e) That the Respondent no.4 submitted that as per section 134 (C) of M.V Act 1988, it is mandatory duty of the insured/Respondent no.3 herein to furnish the particulars of policy, date, time and place of accident, particulars of the injured and name of the driver of the vehicle and particulars driving license, but the Respondent no.3 herein has not complied with statutory demand. Hence Respondent no.4 is not liable to pay any compensation and the case is liable to dismissed against Respondent no.4 for non compliance of statutory demand.

(f) That the petitioner has given a policy No.P0021300035/4107/100298 valid from 22.06.2020 to 21.06.2021 under which the alleged Tractor no.TS-16-TR-6343 of the Respondent no.3 is insured, subject to verification of policy particulars or production of the policy in the court it is denied that the said Tractor is insured with this Respondent, even otherwise the liability of this Respondent is to be governed by the provisions of Motor Vehicles Act, Rule, terms and conditions of policy, the breach of which does not make Respondent No.4 liable for any compensation, costs and interest, however the petitioners are put to strict proof of the same.

(g) That in case if the Respondent no.3 who had specific

knowledge of the accident and facts of the case suppress the real facts in collusion with the petitioner or remains ex parte or fails to contest the claim petition, in such case this Respondent no.4 be permitted to contest the claim petition on all or any of the grounds available to it under the M.V. Act in addition to the defenses available under section 147, 149 and 170 of Motor Vehicles Act and that Respondent no.4 be permitted to file supplementary or amended counter if found necessary as and when new facts come to its notice.

(h) Without prejudice & without admitting the liability & negligence on the part of the Respondent No.1, the Respondent No.4 further submits, U/s.171 of the Motor Vehicles Act the Tribunal may direct Simple Interest on the amount of Compensation, the Petitioners claimed interest 18% which is highly excessive and same is contrary to Sec.3 of the Interest Act, 1978 and the rate of interest given by Nationalized Banks is also at 5.5% only and the counsel relied on Judgment in "Kaushnuma Begum & Ors Vs. New India Assurance Co. Ltd. & Ors", reported in AIR 2001 SC 485 and also relied on Judgment reported in 1995 ACJ (1) page 366, according to which petitioners not entitled to claim any interest on non-pecuniary damages. Respondent No.4 also relied on "**Oriental Insurance**

Company vs. Champabati Ray” and also on **“InayathRajasab Attar vs. Shantavva, Supreme Court”**. The Respondent No.4 company prayed this court to dismiss the petition against the company.

7. On the basis of the above pleadings, my learned predecessor framed the following issues for trial on 05.07.2022.

- i. Whether the deceased in this case by name Bollaram Rajitha @ Gopineni Sahastra died due to injuries sustained in the accident on 21.09.2020 at about 8.00 a.m., in the limits of Thirmanpally village sivar?
- ii. Whether the accident in this case took place due to rash and negligent riding of Motorcycle bearing No.TS-16-EY-1669 and Tractor bearing Temporary No.TS-16-AG-TR-6343?
- iii. Whether the petitioners are entitled for compensation? If so, to what amount and from which Respondent s ?
- iv. To what relief ?

8. As per record again my learned predecessor has framed issues on 03.01.2023.

- i. Whether the deceased in this case by name Bollaram Rajitha @ Gopineni Sahastra died due to injuries sustained on 21.09.2020 at about 8.00 a.m., in the limits of Thirmanpally village sivar?
- ii. Whether the accident in this case took place due to rash and

negligent riding of Motorcycle bearing No.TS-16-EY-1669?

- iii. Whether the petitioners are entitled for compensation? If so, to what amount and from which Respondent s ?
- iv. To what relief ?

On Considering the total issues this court feels that the issues framed on different dates are almost similar, but this Tribunal feels that the issue no.ii dt 05.07.2022 covers the facts of this case, hence issues framed on 03.01.2023 are merged in the issues dated dt 05.07.2022, hence the issues dt 05.07.2022 are considered for the purpose of this judgment.

9. ISSUE NOS.i to iii:-

10. Heard. Perused the record. The learned counsel for the petitioners argued that the petitioners have filed present MVOP for claiming compensation on account of death of the deceased by name Bollaram Rajitha @ Gopineni Sahasthra, whose death took place on 21.09.2020 at 8.00 AM near Thirmanpally village outskirts, on the relevant day she along with her brother were proceeding on bike bearing No.TS -16 EN- 3517 from Nallavelly village to Nizamabad, meanwhile the when the bike reached in the limits of Thirmanpally

village sivar, another Bike bearing No.TS-16-EY 1669 driven by its rider in a rash and negligent manner, hit the bike of the deceased in the result, both deceased and her brother fell down, meanwhile a Tractor bearing No.TS-16- AG TR 6343 driven by its driver in a rash and negligent manner, lost control and the tractor ran over the body of Rajitha, in the result, she sustained grievous injuries all over the body, even her brother also sustained grievous injuries, immediately, she was shifted to Vaishnavi Hospital, Nizamabad, then to Manorama Hospital, Nizamabad, while undergoing treatment, she died. Even baby in her womb also died. Hence, present petition, he prayed the court to allow the petition.

11. The learned counsel for the Respondent No.1, 4 did not submit any arguments, hence their oral arguments are treated as nil on 18.05.2026, but the learned counsel for the Respondent no.4 filed written arguments, even written arguments of Respondent No.2 also filed.

12. The learned counsel for the Respondent No.2 argued that the Respondent No.2 is not liable to pay any compensation to the petitioners, the petitioner no.2 and 3 are parents of deceased they

are not entitled to claim compensation on account of death of their daughter, the rider of Motor bike bearing No.TS 16 EY 1669 was not holding any driving license, hence he alone is liable to pay compensation, the Respondent No.2 is not liable to pay any compensation for violating conditions of policy. Even that the insurance company proved by summoning licensing authority that rider of motor bike was not holding any license to drive the bike. As per the charge sheet, the deceased died due to ran over of the Tractor when she fell down, hence it can be said that the rider of motor bike bearing No.TS 16 EY 1669 when dashed bike of the deceased, she along with her brother fell down, if the rider of motorbike was driving the bike in a slow manner, she ought not have fallen down from the bike and she would have been saved if tractor was not ran over on her. The negligence on the part of driver of the tractor shall be taken to the greater extent while calculating the compensation.

13. Even it is argued that the tractor which is involved in the accident was only having temporary registration number, even it was till 23.7.2020, the tractor was issued permanent registration number on 20.10.2020 i.e., after the accident, it is violation of Motor Vehicles

Act Rules, hence Respondent No.3 and 4 are alone are liable to pay higher percentage of compensation for death of the deceased.

14. She relied on the following citations and Judgments:

- 1)2008(3) – ALT – 26 (SC) (Sardari & others Vs. Susheel Kumar & others)**
- 2)1996-ACJ-581 (Sarala Dixit & another Vs. Balwanth Yadav)**
- 3)2003(2) – ALT – 572 (Bontu Venkata Rao & another Vs. Kalla Venkataramana & another)**
- 4)2008 ACJ page 654 (AP) = 2007 (2) ALD page 277 Surina Durvasulu Vs. Bhava Narayana Murty and others.**
- 5)2009-SCJ-3-116 (Bhuvan Singh Vs. Oriental Insurance Co.Ltd.,)**
- 6)2003-ACJ-1274 (National Insurance Co.Ltd. Vs. Brij Pal Singh)**
- 7)L.C. ACR 2009(6) S.C. 55 in United India Insurance Co., Ltd., vs. Rakesh Kumar Arora & others by Justice S.B. Sinha & Justice Cyriac Joseph**
- 8)2011(2) ALT – 478 in United India Insurance Co., Ltd., Vs. K. Narasimhulu & others by Justice G. Bhavani Prasad**
- 9)1997 AIR S.C. 3824 United India Insurance Company Limited Vs. Gian Chand**
- 10) Oriental Insurance Co. Vs. Tata AIG GICO, dt. 24.02.2026**

15. The learned counsel for the Respondent No.4 filed written arguments and argued that the Respondent No.4 is not liable to pay any compensation as the driver of tractor was not having any driving

license, even the tractor involved in this case was not having proper registration as on the date of accident, as there is violation of breach of terms and conditions of policy, hence Respondent No.4 is not liable to pay any compensation to the petitioners, Respondent No.3 is only liable to pay compensation, he further argued that the temporary registration of tractor was valid up to 23.7.2020, no registration was done before expiry of above said period, accident occurred on 21.9.2020 as such the Respondent No.4 is not liable to pay any compensation, he prayed the Court to dismiss the petition against Respondent No.4.

16. It is seen from the record that no arguments are heard from Respondent no.3.

17. During the course of trial, husband of the deceased is examined as Pw.1, during his evidence he reiterated the contents of their petition. Exs.A1 to A6 are marked during his evidence. One Badavath Srinivas who is shown as alleged eyewitness to the accident is examined as Pw.2 to support the contention of the petitioners. He totally supported the version of petitioners.

18. It is seen that no evidence is adduced on behalf of Respondent no.1 and Respondent no.3. On behalf of Respondent no.2, Rw.1 who is working as Senior Executive (legal) in Bajaj Alliance General Insurance company is examined, during his evidence Ex.B1 and B2 are marked. To prove the version of Respondent No.2, one Manjusha Guptha working as Junior Assistant in the office of RTA, Nizamabad is examined before the Court, during her evidence, Ex.X1 and X2 are marked.

19. On behalf of Respondent No.4 G.V. Krishnakanth, Assistant Manager, office of M/s. Magma General Insurance company is examined as Rw.3, during his evidence, Ex.B3 is marked. One Manikanth, Junior Assistant, office of RTA, Nizamabad is examined to support the contention of Respondent No.4 during his evidence, Ex.X3 to X5 are marked.

20. The documents marked on behalf of petitioners are as under:

Ex.A1 is Certified copy of FIR in Cr.No.129/2020 dated 21.9.2020 of Police Station Indalwai, lodged by mother of the deceased by name Bollaram Laxmavva, i.e., petitioner no.2 in this case stating that her daughter by name Bollaram Rajitha @ Gopineni Sahasthra married

about 3 years back at present she is 9 months pregnant. On the relevant day, her son by name Bollaram Gangadhar, her daughter Rajitha were proceeding to Hospital, at Nizamabad on bike, her son was riding the bike bearing No.TS 16 EN 3571, they started at 7.30 am, later, her son called her and informed that when their bike reached SC colony, Thirmanpally outskirts, another bike came in opposite direction bearing No.TS 16 EY 1669, driven by its rider, in a rash and negligent manner, hit his bike, on which both of them fell down, meanwhile, one tractor without number ran over on her daughter in a rash and negligent manner driven by its driver, they received injuries, immediately, they proceeded to the spot, shifted her daughter to Vaishnavi hospital, in an ambulance and to Manorama Hospital, but she died. She requested to take necessary action.

21. Ex.A2 is Certified copy of charge sheet, Respondent No.1 herein is shown as Accused no.1, the driver of tractor bearing No. TS 16 AG TR 6343 is shown as Accused no.2, charge sheet is filed under section 304-A, 338 of the Indian Penal Code.

22. Ex.A3 is the Certified copy of inquest report, Ex.A4 is Certified copy of Postmortem examination report, in page no.2, column no.13, it is mentioned as :

“13. Genital organs: Bulky uterus is present. On opening the uterus female dead foetus is present, length of the foetus is 45 cms, weight is 2.5 kgs, dark scalp hair is present, nails present till the end of the tip of finger. Approximate age of the foetus is about 9 months”

23. Ex.A5 is the positive photograph, dead body of the baby of the deceased, Ex.A6 is the copy of insurance policy pertaining to Bike of Respondent No.1.

24. On the other hand the documents which are marked in the evidences of respondents are as follows:

Ex.B1 in this case is copy of insurance policy which is already marked as Ex.A6. Ex.B2 is the Certified copy of accident report form issued by MVI, office of DTO, Nizamabad. Ex.B3 is the copy of insurance policy pertaining to the Tractor standing in the name of Gram panchayat Indalwai, i.e., the Tractor which is involved in this case.

25. Ex.X1 is the authorization letter pertaining to Rw.2, Ex.X2 is the Extract of the driving license of brother of the deceased, Ex.X3 is Authorization given by Rw.4. Ex.X4 is the Extract of grant of driving license pertaining to Raj Kumar. T/driver of tractor. Ex.X5 is the Extract of RC particulars of Tractor standing in the name of Gram panchayat, Indalwai.

26. Admittedly, it is very well brought on record that on 21.9.2020 while the deceased and her brother were proceeding on Bike bearing No.TS 16 EN 3571, when they reached near SC colony, Thirmanpally village, the bike was hit by another bike driven by Respondent no.1 in a rash and negligent manner, as a result both deceased and her brother fell down, meanwhile a Tractor bearing No.TS-16-AG-TR-6343 driven by its driver in a rash and negligent manner, ran over on the deceased, hence she received grievous injuries immediately she was shifted to Vaishnavi hospital, from there to Manorama Hospital, but she did not survive, even it is brought on record that the baby in her womb i.e., the bay shown under Ex.A5, died in the womb of her mother. Admittedly, as per charge sheet filed by police, the rash and negligent driving of Respondent no.1 as well as the driver of tractor i.e., Thalari Rajkumar were brought on record.

27. The counsel for Respondent no.2 argued that there was no rashness on the part of Respondent No.1, even otherwise if the driver of the tractor drove the Tractor in a slow manner, he ought to have avoided the accident, hence Respondent No.3 and 4 are liable to pay compensation, on the other hand the contention of Respondent No.4 is the tractor was not having permanent registration number, even the period of temporary registration was expired, even driving of tractor which is involved in the accident is not having valid driving license at the time of accident, hence Respondent No.4 is not at all liable to pay compensation.

28. Admittedly, as per the evidences of Pws.1 and 2, it is very well brought on record that on the relevant day Respondent No.1 as well as driver of tractor involved in the accident rash and negligent in driving their vehicles. As per evidences i.e., as per Ex.A6, as well as Ex.B1, the bike bearing No. TS-16-EY-1669 was insured with Respondent no.2. Even as per the evidences on record, it is brought on record that i.e., as per Ex.B3, the tractor was insured with Respondent No.4, as per Ex.X4 driver of tractor was not having valid license as on the date of accident.

29. During the cross examination of Rw.1, it is brought on record that policy was in force as on the date of accident, Ex.B1 covers third party risk. As per evidence of Rw.2 in the chief examination, it is brought on record that brother of deceased was having non-transporting license, but during the cross examination, it is brought on record that there would not be any transport and non-transport for motorcycle, the brother of the deceased was holding valid driving license.

30. As per the cross examination of Rw3, it is brought on record that Ex.A1 was in in force as on alleged date of accident as it was a package policy, there was third party coverage, it was admitted that the deceased was third party to the policy. Even it is admitted that charge sheet was filed against the driver of Tractor. During the cross examination by counsel for Respondent No.2 it is brought on record that as on the date of accident, there was no permanent registration for Tractor. During the cross examination of Rw.4, he denied the suggestions.

31. On considering the above discussion, this tribunal opines that even if at all there is any violation of terms of insurance, then also

the petitioners cannot be denied their right to claim compensation, the remedy available to the insurance companies in case of any violations, first they have to pay compensation to the claimants and they can recover the same from the persons who are responsible for the same.

32. In this case, admittedly, petitioners Nos. 2 and 3 are parents of the deceased. In the petition and in the evidence of PW.1, it is brought on record that at the time of accident, petitioners was doing tailoring work, saree business and agriculture. But nothing is brought on record to prove the avocation of deceased at the time of accident, even the respondents denied the avocation of the deceased in their counters. Hence, this Tribunal opines that in the absence of proof of employment or avocation of deceased, the tribunal can consider that the deceased as home maker.

33. In a very recent Judgment i.e., Shishupal @ Shish Ram vs Surjeet on 11 June, 2026 INSC 634 | 2026 SCO.LR 6(3)[13]the Hon'ble Supreme Court discussed that:- Home-Maker: A Nation Builder & An Economic Entity:-

The Hon'ble Court observed that describing a homemaker as "dependent" on earning family members is fundamentally ironic because the functioning of the household depends substantially on the homemaker. The earning members themselves rely upon the homemaker's labour and management. Despite this reality, society has failed to adequately acknowledge such contribution. "Efforts have been made across fields to some success but yet undeniably the road is still long."

The Hon'ble Court referred to the observation of economist Sir Cecil Pigou in The Economics of Welfare that if a man marries his housekeeper or cook, the national dividend diminishes because previously remunerated labour becomes unpaid household labour and noted that this observation highlights the persistent economic invisibility of domestic work. The Hon'ble Court noted that women's unpaid caregiving work is estimated to contribute 15—17 per cent of India's GDP, yet it remains unpaid and unrecognised. It recognised that homemakers contribute through household management, child-rearing, caregiving, emotional support, and creation of social capital. Their work enables other members of the family to participate

productively in economic activity. Consequently, their labour has both direct and indirect economic significance.

The Hon'ble Apex Court described mothers as the first teachers of children and the primary transmitters of values, culture, discipline, behavioural norms, and social relationships. It asserted that homemakers shape human capital. Every successful professional, worker, politician, artist, entrepreneur or public servant is, in some measure, the product of the care, guidance and support provided by a homemaker. Their contribution extends far beyond biological reproduction and reaches into the social, emotional and economic foundations of society.

The Hon'ble Apex Court described homemakers as the "potters" who shape households and families, laying the foundation stones for national development. They were therefore appropriately characterised as "Nation Builders". "It is high time now that the invisible is made visible or the veil is pierced to make what can be partially seen come out in the open. The 'homemakers', to put it directly, actually are the 'nation builders' and they ought to be recognised as such."

Loss of Domestic Care: An Additional Head

The Hon'ble Apex Court found that compensation calculated solely through conventional notions of notional income inevitably undervalues homemakers. Accordingly, it created a new compensatory head called "Loss of Domestic Care" for "the homemaker's contribution towards smooth functioning of the household, the loss of maternal support for children and loss of spousal support/the support and care of their child who is an adult, for the parents of the deceased".

The Hon'ble Apex Court directed that in cases involving the death of a homemaker:

- 1. A composite amount of ₹30,000 per month shall be treated as compensation under the head "Loss of Domestic Care".**
- 2. The amount shall operate as a stand-in minimum monthly income where the homemaker has no proven monetary earnings.**
- 3. The amount shall be revised upward by 10 per cent cumulatively every 3 years.**
- 4. Where the homemaker also has independent earnings, compensation under this head shall be in addition to proved income.**
- 5. The amount is intended to account for household management; maternal support for children; and spousal or parental support rendered by the homemaker.**

The Hon'ble Apex Court clarified that consortium primarily compensates emotional loss, whereas "Loss of Domestic Care" recognizes the homemaker's economic and managerial contribution within the household.

34. On considering the above said discussion in this case, being the husband of deceased, being the parents of the deceased, petitioners 1 to 3 are entitled for compensation from Respondent no.1 to 4.

Coming to the net contribution of her earnings by the deceased to her family members, the net contribution of deceased to her family consisting of petitioners is considered at Rs.20,000/- per month (Rs.30,000/- X $\frac{1}{3}$) i.e., 30,000 - 10,000/- per month and Rs.2,40,000/- (Rs.20,000/- x 12 months) per annum.

35. Now as held by our Hon'ble Apex Court in a case between **Sarla Verma and others Vs. Delhi Transport Corporation and another**¹ the multiplier for the age of deceased i.e., 24 years, which comes in between the age group of 21 to 25 is 18 and the same is taken as multiplier in this case as this tribunal held above that the deceased is aged 24 years. As per the same decision, the loss of dependency of petitioners comes to Rs.43,20,000/- (Rs.2,40,000/- x multiplier '18') (Rupees Forty three lakhs and twenty thousand only).

36. In the above referred decision of Hon'ble Apex Court in **Pranay Sethi's case**, their Lordships further decided that as a thumb rule, the reasonable figures on conventional heads, namely, loss of estate,

¹ 2009 ACJ 2003

loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively and the same shall be enhanced at 10% in every three years. In this case the petitioner No.1 is entitled consortium of Rs.48,000/- and all the Petitioners are entitled for loss of estate and funeral expenses.

37. Even it is very well brought on record that the baby in the womb of deceased died in the said accident, This Tribunal is of considered opinion that an amount of Rs.10,00,000/- is awarded for death of the baby who has not seen the light of the day, it is pathetic on the part of the petitioners that they not only lost the deceased, but they have lost the baby of the deceased also. The petitioners are entitled for the compensation under the following heads:-

a) Loss of Domestic Care	Rs. 43,20,000/-
b) Loss of estate	Rs. 18,000/-
c) Loss of funeral expenses	Rs. 18,000/-
d) Consortium for husband	Rs. 48,000/-
e) Loss of Baby of the deceased	Rs.10,00,000/-
	=====
Total	Rs.54,04,000/-
	=====

38. In this case, as already discussed above, the petitioner no.1, who is the husband of the deceased and the petitioner No.2 and 3 are parents of the deceased, taking into consideration the above fact

and the ages and avocations of petitioners, this tribunal holds that Petitioner no.1 is entitled for Rs.30,04,000/- (Rupees Thirty Lakhs and Four Thousand only) and petitioner no.2 and 3 are entitled for Rs.12,00,000/- (Rupees Twelve Lakhs only) each as their respective shares in the total award of compensation.

39. As already held above, as the accident was the result of rash and negligent driving of motor cycle bearing No.TS-16-EY-1669 and Tractor bearing Temporary No.TS-16-AG-TR-6343 and Respondent no.1, who is driver-cum-owner of offending vehicle Motorcycle bearing No.TS-16-EY-1669 and Respondent No.3 being the owner of the said offending vehicle Tractor bearing Temporary No.TS-16-AG-TR-6343 and the said two offending vehicles insured with Respondent nos.2 and 4 respectively, are jointly and severally liable to pay the above said compensation to the petitioners. These issues are answered in favour of the petitioners.

40. **ISSUE No. iv:** In view of the findings in issue Nos. i to iii this Tribunal is inclined to allow the petition.

IN THE RESULT, this petition is allowed with costs as under :

CHAIRMAN,
MACT CUM I ADJ

- (a) A compensation of Rs.54,04,000/- (Rupees fifty four lakhs and four thousand only) is awarded to the petitioners;
- (b) Interest at 7.5% p.a., from the date of filing of petition till realization is awarded on the compensation awarded;
- (c) The Respondents 1 to 4 are jointly and severally liable to pay compensation;
- (d) Time granted for deposit is 30 days from the date of this order;
- (e) The petitioners are required to pay requisite court fee;
- (f) Out of the total compensation awarded, the Petitioner no.1 is entitled for Rs.30,04,000/- (Rupees Thirty lakhs four thousand only) and petitioner no.2 and 3 are entitled for Rs.12,00,000/- (Rupees Twelve Lakhs only) each as their respective shares;
- (g) On deposit of compensation by Respondents, the petitioners 1 to 3 are permitted to withdraw their respective shares along with proportionate costs and interest on their respective shares;
- (h) Advocate fee is fixed at Rs.5,000/-.

Typed by Grade-I Stenographer on my dictation and after correction pronounced by me in open court on this the 8th day of July, 2026

Sd/-
**CHAIRMAN,
MACT-CUM-I ADDL.DISTRICT JUDGE,
NIZAMABAD**

CHAIRMAN,
MACT CUM I ADJ

APPENDIX OF EVIDENCE**FOR PETITIONERS**

PW1: Gopineni Ramesh
PW2: Badavath Srinivas

FOR RESPONDENT No.2

Rw.1: Alineni Karthik
Rw.2: Manjusha Guptha

FOR RESPONDENT No.4

Rw.3: G.V.Krishnakanth
Rw.4: B.Manikanth

: EXHIBITS MARKED ON BEHALF OF PETITIONERS :

- Ex.A1:** Certified copy of FIR in Cr.No.129/2020, dated 21.09.2020 of Indalwai Police Station.
- Ex.A2:** Certified copy of Charge sheet FIR in Cr.No.129/2020 of Indalwai Police Station.
- Ex.A3:** Certified copy of Inquest panchanama FIR in Cr.No.129/2020, dated 21.09.2020 of Indalwai Police Station.
- Ex.A4:** Certified copy of Post Mortem Examination Report FIR in Cr.No.129/2020, dated 21.09.2020 of Indalwai Police Station.
- Ex.A5:** Photograph of female child who died after Postmortem examination
- Ex.A6:** Copy of Insurance policy

EXHIBITS MARKED ON BEHALF OF RESPONDENTS

- Nil-

- Ex.B1:** Attested copy of policy
- Ex.B2:** Attested copy of MVI report
- Ex.B3:** Copy of Policy standing in the name of Gram panchayat, Indalwai
- Ex.X1** Authorization
- Ex.X2:** Driving license extract copy of Bollaram Gangadhar

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Ex.X3: Authorization letter issued by District Transport Officer,
Nizamabad

Ex.X4: Driving license issued in the name of T. Rajkumar/driver of
Tractor,

Sd/-
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NIZAMABAD.**

CHAIRMAN,
MACT CUM I ADJ