



**BEFORE THE CHAIRPERSON, MOTOR ACCIDENTS CLAIMS TRIBUNAL - CUM –
I ADDITIONAL DISTRICT JUDGE :: NELLORE.**

Present:- Smt. G.Geetha,
Chairperson,
Motor Accidents Claims Tribunal-cum-
I Additional District Judge,
Nellore.

Monday, this the 16th day of March, 2026.

M.V.O.P.No.226 of 2022

1. Thiruvallur Kanthamma,
2. Thiruvallur Sirisha.

(2nd claimant is being minor represented
by their mother and guardian 1st claimant)

Both are residing at BC Colony, Muthukur
Mandal, SPSR Nellore District.

...Claimants

- Versus –

1. Nellore Nagarjuna @ Vinay,
2. Pakam Narayanamma,
3. ICICI Lombard General Insurance Co. Ltd.,
Rep. by its Branch Manager,
Near Kanakamahala Centre,
Opp. HDFC Bank, Subedarpeta, Nellore city.

...Respondents

This petition is coming on 03.03.2026 before me for final hearing in the presence of Sri A.V.S.Ravindra Kumar, Advocate for the Claimants and Sri T.Babu Reddy, Advocate for the Respondents 1 and 2 and Sri P.V.Mallikarjuna Reddy, Advocate for the Respondent No.3 and having stood over for consideration till this day and upon perusing the record, this Court delivered the following:

ORDER

This is a Motor Vehicle Claim petition filed under Section 166 of M.V.Act, 1989 for grant of compensation of **Rs.15,00,000/-** with interest and costs for the death of deceased/Thiruvallur Sreenivasulu in a road traffic accident.



2. The brief averments of the claim petition are that the deceased/**Thiruvalluru Sreenivasulu** was **aged 20 years** by the time of his death and was hale and healthy prior to the accident. He was studying 2nd year Intermediate at Krishna Chaitanya College by the time of his death. He was bright in his studies. The deceased person is having mother and younger sister. The deceased died unmarried.

(i) It is submitted that except the claimants, there are no other legal heirs to claim the compensation amount for the death of the deceased/**Thiruvalluru Sreenivasulu**. Because of sudden and premature death of the deceased/**Thiruvalluru Sreenivasulu**, the claimants 1 and 2 have lost their affectionate son and brother and also future earning member of the family and due to sudden demise of the deceased, the claimants suffered a lot and they are put to great mental shock and unbearable grief. The Claimants Nos. 1 and 2 are the mother and minor sister of the deceased.

(ii) It is further submitted that **on 13.08.2021** at 15.30 hours, the deceased **Thiruvalluru Sreenivasulu**, S/o Prasad was proceeding on the Tractor and Trailer bearing Registration Nos.AP-26-TD-5659 and AP-26-TD-5658 respectively, while proceeding from Nagarauthopu to Nellore side near Pallipadu village and at that time, the driver of the tractor and trailer, who is 1st respondent herein drove the same in a rash and negligent manner, without blowing horn, with high speed, dashed the opposite coming Auto bearing No.AP-26-TE-6803 and lost control over his vehicle and dashed road side culvert and jumped from the tractor to road. As a result, the tractor over turned and the deceased fell underneath the tractor and sustained fatal injuries and died on the spot.

(iii) It is submitted that the accident was occurred due to the rash and negligent driving of the driver of the Tractor and Trailer bearing Registration Nos.AP-26-TD-5659 and AP-26-TD-5658, who is the 1st respondent herein and while in the



course of employment under the 2nd respondent. Hence, the 2nd respondent is vicariously liable to pay compensation to the claimants. The 2nd respondent duly insured the said vehicle with the 3rd respondent under valid policy as on the date of said accident and as such, the 3rd respondent has to indemnify the liability of the 2nd respondent. Therefore, respondents 1 to 3 are jointly and severally liable to pay the compensation to the claimants, who are the L.Rs of the deceased/Thiruvallur Sreenivasulu. Hence, the petition.

3. The averments of the counter filed by the 1st and 2nd respondents are that they denied all the allegations made in the petition except those that are specifically admitted to be true. They denied that the accident was occurred due to the rash and negligent driving of the driver of the tractor and trailer bearing Registration Nos.AP 26 TD 5659 and AP 26 TD 5658 and there is no cause of action for the said MVOP. It is further submitted that the tractor and trailer bearing Nos.AP 26 TD 5659 and AP 26 TD 5658 are insured by the 2nd respondent with the 3rd respondent and hence the 3rd respondent alone is liable for payment of compensation if any. Further, it is submitted that the amount of compensation claimed is very excessive and no proof of document is filed by the claimant regarding earning capacity of the deceased. Therefore, prays to dismiss the claim application with costs.

4. The averments of the written statement filed by the 3rd respondent/Insurance Company are that they denied all the allegations made in the petition except those that are specifically admitted to be true. They denied the age, education and health condition of the deceased and mode and manner of the accident. They denied that the claimants are the only legal heirs of the deceased as they have not filed any documentary proof issued by the competent authority. It is submitted that as per the documents filed by the claimants reveal that the deceased was travelling in Tractor and Trailer bearing Registration No.AP 26 TD 5659 and AP 26 TD 5658 as gratuitous passenger, while he was sitting in the trailer of the said Tractor



and that there is no seating capacity to carry any passenger and persons in the said Tractor and said Tractor and Trailer seating capacity is only 1 i.e., driver only and the said driver is going along with deceased towards Pallipadu village side and he reached the said place, at that time the deceased was sat in the trailer of the said Tractor and at that time one Auto bearing Reg.No.AP 26 TE 6803, which was coming opposite side and the said Auto driver was not able to control and dashed the Tractor and to avoid the accident, the driver of the Tractor applied sudden brakes and served towards left side of the road and dashed the culvert and jumped and the said Tractor is turned turtle and due to that the deceased was fell under the wheels of the tractor and the deceased sustained injuries and later he died and that the said accident was occurred due to gross negligence of the driver of the Auto only and not the driver of the Tractor and Trailer and the driver of the Auto was not having valid driving license at the time of the accident and after due investigation, the police filed charge sheet against the driver of the Tractor and Trailer bearing Registration Nos.AP 26 TD 5659 and AP 26 TD 5658 under Section 304-A IPC and that there is mere contribution of the driver of the Auto, but the claimants managed the police and got filed false case against the 1st respondent to get wrongful gain and as such, this respondent is not liable to indemnify the liability of the 2nd respondent if any and that this respondent is not liable to pay any compensation to the claimants, that the person driving the vehicle has “no relation in force” as on the date of accident to drive the vehicle.

(i) It is submitted that as per RC, permit and policy the seating capacity of the Tractor and Trailer bearing Registration No.AP 26 TD 5659 and AP 26 TD 5658 is one in all i.e., driver only. But as per the FIR, at the time of accident deceased and other persons were travelling in the said Tractor and Trailer. As such, the driver and owner of the said Tractor and Trailer violated the terms and conditions of the permit and policy and allowed the more passengers than the permitted capacity to travel in the Tractor and Trailer, therefore this being the breach of the provisions of the M.V.Act



and the Rules framed thereunder and also the breach of the terms and conditions of the policy and therefore, this respondent is not liable to pay any amount of compensation. Further, on the date of contract of insurance, the insured vehicle was expressly or impliedly not covered by a permit to carry any passenger. It is further submitted that the vehicle was in fact used in breach of specified condition on the occasion giving rise to the claim by reason of the carriage of passengers therein and therefore, this respondent is not liable to pay any amount of compensation.

(ii) It is submitted that the petition is bad for non-joinder of necessary parties of insurer and insured of Auto bearing Reg.No.AP 26 TE 6803 and that the said Auto is responsible to the accident and due to the Auto driver negligence, the said accident was occurred as such, on that ground this petition is liable to be dismissed against the respondent in limine.

(iii) It is further submitted that the driver of the Tractor and Trailer bearing Registration Nos.AP 26 TD 5659 and AP 26 TD 5658 was not holding a valid and effective driving license at the time of the accident and was not qualified for holding or obtaining such driving license and further has not satisfied the requirements of the Rule No.3 of the Central Motor Vehicles Rules, 1989.

(iv) This respondent Company seeks protection under Sections 147, 149 and 170 of M.V.Act, that the rate of interest payable, if any, shall be restricted to 6% as per the Revised scales of interest by R.B.I and Interest Act and that the amount of compensation claimed is highly excessive, arbitrary and out of all proportions. So, requested the Court to dismiss the petition with costs.

5. Basing on the above contentions, the following issues and Additional issues are settled for trial:-

**ISSUES:**

1. What is the Just compensation?
2. To what relief?

(i) On perusal of the claim petition and counter of 3rd Respondent it is just and necessary to frame the following additional issues as per order 14 Rule 5(2) of CPC, for which there is sufficient evidence on record.

ADDITIONAL ISSUES:

1. Whether the deceased Thiruvallur Sreenivasulu died in a motor vehicle accident which was occurred on 13.08.2021 at about 15.30 hours near Pallipadu village, Indukurpet, SPSR Nellore District due to rash and negligent driving of driver of Tractor bearing No.AP-26-TD-5659 and Trailer No.AP 26 TD 5658 or not?
2. Whether the petitioners are entitled for compensation, if so, to what amount and from whom?

6. To prove their respective contentions, the 1st claimant, who is the mother of the deceased was examined as **PW1** and got marked **Exs.A1 to A6**. Further, they also got examined the alleged eye witness as **PW2**. On behalf of the 3rd respondent/Insurance Company, they got examined the Manager, Legal of their Company as **RW1** and got marked **Ex.B1**. The 3rd respondent also got examined RTO Official as **RW2** and got marked **Exs.X1 to X3**.

7. The 3rd respondent/Insurance Company filed a petition in I.A.No.93/2026 in M.V.O.P.No.226/2022 under Section 170 of M.V. Act and the same was allowed and their Company is permitted to take all defences available to the insured/owner.



8. Heard on both sides. Perused the material available on record including the written arguments filed on behalf of the 3rd respondent/Insurance company.

Additional Issue No.1:

9. In support of the relief claimed in the claim petition, the 1st claimant, who is the mother of the deceased filed her affidavit in lieu of her chief-examination by reiterating the averments of claim petition and got examined herself as P.W.1 and got marked Exs.A1 to A6 i.e., attested copy of FIR in Cr.No.145/2021 of Indukurpet Police Station, SPSR Nellore District, attested copy of Inquest report of the deceased, attested copy of Post-mortem certificate of the deceased, attested copy of charge sheet, Study-cum-Conduct Certificate given by Krishna Chaithanya Junior College, S.H.Pet, Nellore and Study-cum-Conduct Certificate given by Krishna Chaithanya Degree College and PG College, Nellore.

10. Here, as per the claim petition and evidence of **PW1** is that on 13.08.2021 morning the 1st respondent being the driver of Tractor bearing Registration No.AP-26-TD-5659 and Trailer bearing No.AP-26-TD-5658 called the deceased for labour works at Nagarajuthopu village and after completion of his work, while returning, the deceased was sitting in the Trailer bearing No.AP-26-TD-5659 and at about 3.30 p.m., near Pallipadu village, Indukurpet Mandal, SPSR Nellore District, the 1st respondent drove the same in a rash and negligent manner at high speed and dashed against an opposite coming Auto bearing No.AP-26-TE-6803 proceeding from Nellore side and then the Tractor dashed against the road side culvert. Due to which, the deceased, who was sitting in the Trailer bearing No.AP-26-TD-5658 fell down on the road and as a result of which, the deceased received severe bleeding injuries and instantaneously died on the spot. After Post-mortem examination, the dead body of the deceased was brought back to his village in a Car from ACSR Government Hospital, Nellore by spending about Rs.10,000/- towards transportation charges. On



the report about the accident, a case in Cr.No.145/2021 was registered by the Indukurpet Police Station for the offence under Section 304-A IPC against the 1st respondent, who is the driver of Tractor bearing Registration No.AP-26-TD-5659 and Trailer bearing No.AP-26-TD-5658.

11. Here, the evidence of PW1 about the manner of the accident is supported by one of the alleged eye witnesses, who was examined as **PW2**. Even in his cross examination also PW2 categorically deposed that the accident was occurred due to rash and negligent driving of the driver of Tractor and Trailer. The same was mentioned in the inquest report and also in the charge sheet filed by the police and his name was cited as LW6 in Ex.A4 – Charge sheet and PW2 denied that he did not witness the accident. So, there is categorical evidence of PW2 consisting with the evidence of PW.1 and Ex.A4.

12. Here, the respondent Nos.1 and 2, who are driver and owner of the offending Tractor and Trailer bearing Nos.AP-26-TD-5659 and AP-26-TD-5658 though filed their counter denying the allegations of the Claim petition, they simply stated that the 2nd respondent insured the offending Tractor and Trailer bearing Nos.AP-26-TD-5659 and AP-26-TD-5658 with the 3rd respondent insurance company, hence the 3rd respondent is responsible for payment of compensation if any. But the same was denied by the 3rd respondent/Insurance Company in their counter, in support of their pleadings, they got examined their Official as **RW1**.

13. Here, the contention and evidence of 3rd respondent/Insurance Company is that the deceased was travelling in Tractor and Trailer bearing Registration Nos.AP 26 TD 5659 and AP 26 TD 5658 as gratuitous passenger, while he was sitting in the trailer of the said Tractor and at that time one Auto bearing Reg.No.AP 26 TE 6803, which was coming opposite side and the said auto driver was not able to control and dashed the tractor and at that time the driver of the Tractor wants to avoid the accident



he applied sudden brakes and turned the said tractor towards left side of the road and dashed the culvert and jumped and the said tractor is turned turtle and due to that the deceased was fell down on the wheels of the tractor and deceased sustained injuries and died on the spot and the accident was occurred due to gross negligence of the driver of the Auto only and not the driver of the Tractor and Trailer. But, here, as admitted by RW1 in his cross examination he has no personal knowledge about the present accident and admitted that Ex.A.4 charge sheet filed against the driver of the Tractor.

14. In support of their evidence, the 3rd respondent/Insurance Company got summoned and examined the RTO Official as **RW2** and got marked Exs.X1 to X3. RW2 in his chief examination itself deposed that as per Ex.X2 – RC Extract of Tractor bearing No.AP 26 TD 5659 the seating capacity of the Tractor is “One” i.e., Driver and as per Ex.X3 – RC extract of Trailer bearing No.AP 26 TD 5658 the seating capacity of Trailer is “Nil” and by the date of accident i.e., on 13.08.2021 the 2nd Respondent is the owner of the above said Tractor and Trailer. He admitted that as per Exs.X2 and X3, the said Tractor and Trailer comes under commercial vehicle and is permitted to transport sand etc.

15. Moreover, regarding the rash and negligent act of the driver of the offending vehicle, the **Hon'ble Apex Court** in **NKV Bros. (P) Ltd. Vs K. Karumai Ammal** reported in **1980 (3) SSC 457**, and also in recent judgment of the Hon'ble Apex Court i.e. in **Mathew Alexander Vs. Mohammed Shafi** reported in **AIR 2023 (SC) 3349 and another**, it was held that “the nature of proof required to establish culpable rashness, punishable under Indian Penal Code more stringent than negligence sufficient under the law of tort to create liability. The same was also held in “**Sreerama Kanaka Ratnam and others Vs.Sangana Subbareddy and others**” passed in **MAGMA No.307/2015** of the **Hon'ble High Court of Andhra Pradesh dated 12.12.2023**.



16. So, here, as discussed above and as per the observations of the Hon'ble Courts, filing of charge sheet against the driver of the offending vehicle is sufficient in the Motor Vehicles Accident Claim in respect of factor of proving the rash and negligent act in occurrence of the accident.

17. Further, one of the contentions of the 3rd respondent is that the owner and insurer of the Auto bearing No.AP 26 TE 6803 are necessary parties to the present proceedings, but they were not impleaded, as such, the petition is bad for non-joinder of necessary parties. But, here already as discussed above, the 3rd respondent failed to prove that the accident was occurred due to the negligence on the part of the driver of the Auto or there is contributory negligence on his part in occurrence of the accident, as such the owner and insurer of the motor cycle bearing No.AP 26 TE 6803 are not the necessary parties, thereby the contention of the 3rd respondent in this regard is not valid and not considered.

18. Therefore, through the evidence of P.W.1 and Ex.A1 to A4 the claimants established that the accident was occurred due to the negligence on the part of the 1st respondent and through Ex.A3, the claimants proved that the deceased died due to sustaining injuries in the present accident.

19. Hence, Additional issue No.1 is decided in favour of the claimants and against the respondents.

ISSUE No.1 AND ADDITIONAL ISSUE No.2:

20. Here, as per the claim petition and evidence of PW1, the deceased was aged 20 years by the time of the present accident. The same was categorically deposed by PW1 even in her chief examination. The same was also revealed in the F.I.R, Inquest report, Post-mortem and charge sheet i.e., Exs.A1 to A4. Further, the evidence of PW1 is that the deceased was studying 1st year B.Com., in Krishna



Chaitanya Degree College and PG College, Nellore at the time of the accident is also supported by Ex.A5 and Ex.A6.

21. The said evidence of PW.1 coupled with Ex.A.1 to Ex.A.4 and Ex.A5 and Ex.A6 was not disproved by the respondents 1 to 3. Hence, this Tribunal is considered the age of the deceased is at **20 years** and he was studying I year B.Com., in Krishna Chaitanya Degree College and PG College, Nellore by the time of the accident.

22. Here, as per the claim petition and evidence of PW1, if the deceased is alive, he would have got a good job and would get handsome salary and he would have earned a lot, but due to his sudden death, the claimants have lost everything.

23. No doubt, already, as decided above, the deceased was studying I year B.Com., in Krishna Chaitanya Degree College and PG College, Nellore by the time of the present accident. So, if he is alive, he would get a good job with handsome salary. In this context, it is just and necessary to mention the Judgment of the Hon'ble Apex Court in "**S. Vasanthi vs M/s Adhiparasakthi Engineering College**" in **Civil Appeal No.7180 of 2022, in which**, it was held that the notional income of the deceased, who was Engineering graduate and was studying **M.B.A.** for his professional capabilities, was considered of Rs.30,000/- per month, by enhancing the notional income fixed by the Hon'ble High Court of Madras at Rs.10,000/- per month, from Rs.7,000/- per month fixed by Tribunal, by relying upon the judgments in **Kuravan Ansari @ Kuravan Ali @ Shyam Kishore dt:16.11.2021.**

24. So, here, by considering the evidence of P.W.1 and educational qualification of the deceased, the notional income of the deceased is assessed by this Tribunal at **Rs.9,000/-** per month, since the date of accident is 13.08.2021.



25. Further, as per claim petition and the evidence of P.W.1, she is the mother, 2nd claimant is the minor sister of the deceased. The same was not disproved by the respondents. As per **Sarla Verma and others v. Delhi Road Transport Corporation and others,** mother of the unmarried deceased alone is dependent on the deceased and the personal expenses of the deceased to be considered 1/2, when he is a bachelor. The same was also reiterated by the Hon'ble Apex Court in **National Insurance Company v. Pranay Sethi and others,** the **Honourable Supreme Court**. No doubt, here, claimant No.2 is minor sister of the deceased, as such, she is not the dependent on the deceased as per the guidelines of the Hon'ble Apex Court reported in the above said Judgment.

26. Here the present facts and circumstance of the case, the relevant multiplier applicable as held by the Hon'ble Apex Court in **Sarla Verma and others v. Delhi Road Transport Corporation and others,** for the age group of person between **15 to 20 years the relevant multiplier is '18'**. As per the citation, personal expenses of deceased is considered is at **1/2**, since he was a bachelor and it has to be deducted out of the notional income of the deceased as per the above said Judgment.

27. Further, as per the above said Judgment of Honourable Apex Court in **Pranay Sethi** supra and as per the citation reported in **2021 SCC Online SC., 1083**, decided on 18.11.2021 in between **Meena Pawai Vs Ashraf Ali**, the deceased comes under the category of self-employment and he is entitled for future prospects, hence the claimants are also entitled for the loss of future prospects **@ 40%**.

28. Further, in the case of **National Insurance Company v. Pranay Sethi and others,** the **Honourable Supreme Court** pleased to held that in case of death, **funeral expenses and loss of estate** at the rate of **Rs.15,000/-** and **Rs.15,000/-** were directed to be added as standard additions. Further, the 1st claimant, being mother of



the deceased is entitled to **Rs.40,000/-** as filial consortium, as per the Judgment of Hon'ble Apex court in "**Magma General Insurance Co. Ltd. Vs Nanu Ram**" reported in (2018) 18 SCC 130, which was reiterated in **Jana Bai, W/o Dinkarrao Ghorpade & Ors. Vs. M/s. ICICI Lambord Insurance Company**". Further, there is also a specific observation that the above said amounts entitled on conventional heads, shall be enhanced at the rate of **10%** in every three years. The date of above Judgment is 13.10.2017. Therefore, **20%** is to be added to the amount mentioned in the Judgment.

29. Therefore, apart from loss of dependency, the claimant No.1 is also entitled for **Rs.18,000** (Rs.15,000 + Rs.3000 (20% of Rs.15000) = Rs.18,000) towards loss of estate, **Rs.18,000** (Rs.15,000 + Rs.3000 (20% of Rs.15,000) = Rs.18,000) towards funeral expenses and **Rs.48,000/-** (Rs.40,000/- + Rs.8000/- (20% of Rs.40000) = Rs.48,000) towards loss of filial consortium to 1st claimant.

30. Further, as revealed through the evidence on record, the 2nd claimant is the minor sister of the deceased and due to the death of the deceased, she lost love and affection of the deceased, as such, she is entitled **Rs.25,000/- towards loss of love and affection**.

31. Further, as revealed on the record, the dead body of the deceased was brought from ACSR Government Hospital, Nellore to the native place of the deceased i.e., Muthukur, SPSR Nellore District, so, it is just and necessary to award Rs.10,000/- towards transportation of dead body. Hence, the petitioners are entitled to **Rs.10,000/-** towards transport charges for shifting the deceased from the hospital to their house.


32. Calculation of Compensation:

Sl. No.	Heads	Calculation	Amounts arrived Rs.
1.	Annual income of the deceased (Rs.9,000 x 12)	1,08,000/-	1,08,000/-
2.	Add : Future Prospects	1,08,000x 40% = 43,200/-	1,51,200/-
3.	Less: Personal expenses 1/2	1,51,200/1/2 = 75,600	75,600/-
4.	Relevant multiplier for age group of 15-20 years is '18' and the loss of income arrives at	Rs.75,600x18= Rs.13,60,800/-	13,60,800/-
	Total (Sl.No.4)		13,60,800/-
Sl.No.	Heads	Amounts Awarded Rs.	Arrived at Rs.
5.	Loss of dependency	Rs.13,60,800/-	13,60,800/-
6.	Funeral expenditure	18,000/-	18,000/-
7.	Loss of estate	18,000/-	18,000/-
8.	Towards filial consortium to the claimant No.1	48,000/-	48,000/-
9.	Loss of Love and Affection by the 2 nd claimant	25,000/-	25,000/-
10	Transport expenses	10,000/-	10,000/-
	Total		14,79,800/-



33. Here, as per the claim petition and the evidence of P.W.1, the 1st respondent is the driver and the 2nd respondent is the owner of offending Tractor and Trailer bearing No.AP-26-TD-5659 and AP-26-TD-5658. The same was admitted by the 1st and 2nd respondents in their counter and the same was revealed in Ex.A4 – Charge sheet. The same was not disputed by 3rd respondent in their evidence i.e., in R.W1's evidence. So, the claimants proved that the 1st respondent is the driver and the 2nd respondent is the owner of the offending vehicle by the date of the accident.

34. Further, the contention and evidence of claimants is supported by RW1 and Ex.B2 that the 2nd respondent being the owner of the offending Tractor and Trailer, insured the same with the 3rd respondent under policy bearing No.3008/214422160/00/B00 and it is valid from 23.01.2021 to 22.01.2022. Here, even in the counter of the 1st and 2nd respondents they categorically mentioned that the offending vehicle was insured with the 3rd respondent/Insurance Company.

35. But, it is the contention and evidence of 3rd respondent/Insurance Company that the said offending tractor was registered for commercial use-Goods carriage permit and seating capacity of tractor is **one** i.e., driver and seating capacity of trailer is **zero**, as such, the deceased is a gratuitous passenger and as such, the 2nd respondent violated the terms and conditions of Ex.B1 – Policy, thereby the 3rd respondent is not liable to pay any compensation.

36. In support of their pleadings and evidence of the respondent No.3/Insurance company, they summoned and got examined the R.T.O Official, Nellore as R.W.2, through, whom Exs.X1 to X3 are marked, which are authorization letter, RC extract of Tractor bearing No.AP.26.TD.5659 and RC extract of Trailer bearing No.AP 26 TD 5658.

37. So, here, through the evidence of R.W.2 and Exs.X2 and X3, the respondent No.3/Insurance company proved that the seating capacity of the offending



tractor is one i.e., driver and the seating capacity of trailer is zero and it was a Goods carriage vehicle and the deceased is a gratuitous passenger. So, the contention of the 3rd respondent/ Insurance company is that when there is violation in the terms and conditions of the policy, they are not liable to pay compensation. Here it is the contention of the learned counsel for the claimants that though there is violation of policy, even then the Court can direct the insurance company to pay the compensation amount and directed to recover the same from the insured.

38. But, the Hon'ble Court in the Judgment in ***National Insurance Company Limited, Yeluru Vs. Manda Vijayalakshmi and others, reported in 2018(3) ALD, page No.417, Nandi Narasimhulu Vs. K.Ramana Reddy and another, reported in 2018(3) ALD, page 531, and Kalaivani Vs. Doraibabu of the Hon'ble High Court of Madras, dt.20.07.2021***, it was held that "When the insurance company is not liable to pay the compensation as per the policy, then it is not correct to direct the insurance company to pay the compensation and thereafter recover the same from the owner of the vehicle" ***by relying the Judgments of the Hon'ble Apex Court in Oriental Insurance Company Ltd., Vs. Devireddy Kondareddy, reported in AIR 2017 SC page 1204***, it was held that "When the premium does not cover the labourers or unauthorized passengers of offending tractor-trailer, then the Insurance Company is not liable to pay compensation and in those circumstances it is not a fit case to direct the Insurance Company to first pay and then recover.

39. So, as discussed above, the respondents 1 and 2 allowed the deceased to travel in the tractor and trailer without any insurance premium, so, it is fundamental violation of Ex.B1 – Insurance Policy. Further, it is a commercial vehicle and it can be used only for carrying goods and not for passengers and seating capacity of tractor is 'One' and seating capacity of trailer is 'Zero'. So, it is a fundamental violation of the conditions imposed in the Ex.X2 – Registration Certificate of the offending vehicle and conditions of Ex.B1 – Policy. Therefore, as per the said Judgment and in the



circumstances, the Insurance Company cannot be fastened with any liability and the compensation has to pay by the owner and driver jointly.

40. In view of the findings recorded in the above said issues, this Tribunal consider that the claimants are entitled to compensation of Rs.14,79,800/- (Rupees fourteen lakhs seventy nine thousand and eight hundred only) with future interest at 7.5% per annum with costs from the Respondents No.1 and 2.

41. Thus, this Tribunal answered the above issues accordingly.

ISSUE No.2:- To what relief?

42. In the result, the claim petition is allowed in part, with proportionate costs awarding compensation of **Rs.14,79,800/- (Rupees fourteen lakhs seventy nine thousand and eight hundred only)** with subsequent interest at 7.5% p.a., on the said amount from the date of filing of the petition till the date of realization.

(i) The respondent Nos.1 and 2 are jointly and severally liable to pay the said compensation amount within **ONE MONTH** from the date of this order.

(ii) On such deposit, out of the said compensation amount deposited by the respondents 1 and 2, the **Claimant** No.1 being mother of the deceased is entitled an amount of **Rs.14,54,800/- (Rupees fourteen lakhs fifty four thousand and eight hundred only)** with accrued interest and costs, out of which, she is permitted to withdraw an amount of **Rs.4,54,800/- (Rupees four lakhs fifty four thousand and eight hundred only)** with accrued interest and costs and remaining amount of **Rs.10,00,000/- (Rupees ten lakhs only)** shall be kept in fixed deposit in any Nationalized bank for a period of **two years** and thereafter she is entitled the same with accrued interest.



(iii) Further, the Claimant No.2 being the minor sister of the deceased is entitled for an amount of **Rs.25,000/-** (Rupees twenty five thousand only) and the entire amount awarded to her shall be kept in fixed deposit until she attains the age of majority and thereafter she is permitted to withdraw the same with accrued interest.

(iv) Advocate's fee is fixed at Rs.3,000/-.

(v) The rest of claim of the petitioners under different Heads is hereby dismissed.

(vi) **The petition against 3rd respondent is dismissed.**

(vii) In view of the orders passed in **I.A. No.318/2022** on the file of Hon'ble Chairman, Motor Accident Claims Tribunal, Nellore, under Rule 475 (2) of A.P. Motor Vehicle Rules,1989 read with Section 151 of C.P.C., the petitioners are exempted to pay Court fee by that time. The petitioners are entitled to receive the copy of award on deposit of Court fee within **two weeks** from the date of this award and the respondents are permitted to receive the copy of award after two weeks. If the petitioners fail to pay the Court fee amount within stipulated time, they will not be entitled for the interest till the date of payment from the date of failure.

Typed to my dictation by the Stenographer, corrected and pronounced by me in the open Court, this the 16th day of March, 2026.

Sd/- G.Geetha,
Chairperson,
Motor Accident Claims Tribunal -
cum-I Additional District Judge,
Nellore.



APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR PETITIONERS

PW-1 : Thiruvallur Kanthamma

PW-2 : Chintapanti Venu

FOR RESPONDENTS

R.W.1 : B.Srinivasa Rao, Manager, Legal of 3rd respondent Insurance company.

R.W.2 : T.Sai Mithrama, Junior Assistant, Deputy Transport Commissioner, Nellore.

DOCUMENTS MARKED

FOR PETITIONERS

Ex.A1 : Attested copy of FIR in Crime No.145/2021 of Indukurpet Police Station, SPSR Nellore District.

Ex.A2 : Attested copy of Inquest report of the deceased.

Ex.A3 : Attested copy of Post-mortem Certificate of the deceased.

Ex.A4 : Attested copy of Charge sheet.

Ex.A5 : Study-cum-Conduct Certificate given by Krishna Chaitanya Junior College, S.H.Pet, Nellore.

Ex.A6 : Study-cum-Conduct Certificate given by Krishna Chaitanya Degree College and P.G College, Nellore.

FOR RESPONDENT No.3:

Ex.B1 : Certified true copy of Insurance policy bearing No.3008/214422160/00/B00 valid from 21.01.2021 to 22.01.2022.



Documents marked through summoned witnesses

- Ex.X1 : Authorization letter.
- Ex.X2 : RC Extract of Tractor bearing No.AP 26 TD 5659.
- Ex.X3 : RC Extract of Trailor bearing No.AP 26 TD 5658.

Sd/- G.Geetha,
Chairperson
Motor Accidents Claims Tribunal-cum-
I Additional District Judge,
NELLORE.

//True Copy//