BEFORE THE PRINCIPAL MOTOR ACCIDENTS CLAIMS TRIBUNAL-cum-
PRINCIPAL DISTRICT JUDGE
RANGA REDDY DISTRICT AT L.B.NAGAR

Present: **A.KARNA KUMAR**
Chairman, Motor Accidents Claims Tribunal-cum-
Principal District Judge
Ranga Reddy District at L.B.Nagar

Friday, the 10th day of July 2026

M.V.O.P. No.322/2023

Between: -

Nirudi Ganesh, S/o Nirudi Lingam
Aged about 24 years, Occ: Labour
Native H.No.6-65, Ahmedpur Village
Gajwel Mandal, Siddipet District, Telangana State
Presently R/o H.No.4-5/B/6/C, Saraswathi Colony
L.B.Nagar, Ranga Reddy District … Petitioner

And

1. Mohammed Apsar, S/o Md. Ibrahim
Aged about 39 years, Occ: Owner-cum-Rider of the crime vehicle
R/o H.No.12-246/2/5/1, Shivajinagar, Devarakonda
Nalgonda District – 508 248.

2. Reliance General Insurance Company Limited
Rep. by its Regional Manager
H.No.4-1-327 to 337, 4th Floor
Sagar Plaza, Abids, Hyderabad – 500 001. … Respondents

(Policy No.110320125000041525 valid from
04.02.2023 to 03.02.2024 pertains to
Lorry bearing No.TS-05-UE-3637)

This Claim Petition coming on 22.05.2026 for final hearing before me, in the presence of Sri P.Thirupathi - Advocate for the petitioner, and of Sri A.Padma Reddy - Advocate for the Respondent No.2, and the Respondent No.1 having remained exparte and upon hearing, having stood over for consideration till this day, this Court delivered the following—

<u>O R D E R</u>

This is a claim petition filed under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of ₹10,00,000/- for the injuries sustained by the petitioner in a motor vehicle accident that occurred on 09.06.2023 at about 9:00 p.m. near Pidched Cross Road, Gajwel Town, Siddipet District.

2. <u>The brief averments of the claim petition are concisely stated as follows</u>:

(i) On 09.06.2023 at about 9:00 p.m., while the petitioner was proceeding on his motorcycle bearing Registration No.TS-36-D-5712 and when he reached Pidched Cross Road, Gajwel Town, the driver-cum-owner of the lorry bearing Registration No.TS-05-UE-3637 (hereinafter referred to as the "offending vehicle") drove the same in a rash and negligent manner and dashed against the petitioner's motorcycle, due to which the petitioner fell down and sustained grievous injuries. Immediately after the accident, he was shifted to Yashasvi Hospital, Gajwel, where he was admitted as an inpatient from 09.06.2023 to 13.06.2023.

(ii) The petitioner further submits that Gajwel Police registered a case in Crime No.268 of 2023 initially for the offence punishable under Section 337 IPC and subsequently altered the same to Section 338 IPC against the driver of the offending vehicle.

(iii) It is further submitted that prior to the accident, the petitioner was hale and healthy, aged about 24 years, working as an agriculturist and labourer, earning ₹15,000/- per month. Owing to the injuries sustained in the accident, he suffered pain, mental shock and agony, besides loss of income.

(iv) It is further submitted that Respondent No.1 is the driver-cum-owner and Respondent No.2 is the insurer of the offending vehicle and, therefore, both the respondents are jointly and severally liable to pay compensation to the petitioner.

3. Respondent No.1 remained exparte.

4. Respondent No.2 filed a counter denying all the material averments of the claim petition, *inter alia*, contends as follows—

(i) It is contended that Respondent No.2 does not admit the involvement of the offending vehicle in the accident, the manner of the accident, the age, avocation and income of the petitioner, the injuries allegedly sustained by him, his admission into the hospital or the registration of the criminal case by Gajwel Police.

(ii) It is further contended that the petitioner has to strictly prove that the accident occurred due to the rash and negligent driving of Respondent No.1. Respondent No.2 also denied issuance of any insurance policy in respect of the offending vehicle and contended that there were violations of Sections 134(c) and 158(6) of the Motor Vehicles Act. It is further contended that the compensation claimed and the interest sought are excessive and exorbitant. Hence, Respondent No.2 prayed for dismissal of the claim petition.

5. Subsequently, Respondent No.2 filed an additional counter contending that Policy No.11032012500041525 relied upon by the petitioner is a fake policy and that the said policy was never issued in respect of the offending vehicle bearing Registration No.TS-05-UE-3637. It is further contended that Policy No.11032023340000741, covered under Cover Note No.RO7012022431, valid from 07.01.2020 to 06.01.2021, was issued in favour of one Bathini Sahadev in respect of vehicle bearing

Registration No.TS-30-T-2160. Therefore, Respondent No.2 prayed the Tribunal to dismiss the claim petition.

6. The petitioner filed a rejoinder denying the allegations made in the additional counter and reiterating the averments made in the claim petition.

7. Heard the arguments of the learned counsel for the petitioner and the learned counsel for the Respondent No.2. Perused the written arguments filed by the learned counsels on both sides.

8. Based on the above rival pleadings, this Tribunal framed the following Issues and Additional Issues for trial: -

Issues:

(1) Whether the accident that occurred on 09.06.2023 at about 9:00 p.m. near Pidched Cross Road, Gajwel Town, Siddipet District, occurred due to the rash and negligent driving of Respondent No.1 of lorry bearing Registration No.TS-05-UE-3637?

(2) Whether the petitioner sustained injuries in the said accident?

(3) Whether the petitioner is entitled for compensation, if so, what is the quantum of the compensation and from which of the Respondents?

(4) To what relief?

Additional Issues:

(1) Whether Policy No.11032012500041525 is a fake policy, as contended by Respondent No.2?

(2) To what relief?

9. In order to prove the claim of the petitioner, PW1 to PW3 were examined and Exs.A1 to A5 were marked on behalf of the petitioner. On behalf of Respondent No.2, RW1 and RW2 were examined and Exs.B1 to B7 were marked.

Issue Nos.1 and 2

10. The burden lies on the petitioner to establish that the accident occurred due to the rash and negligent driving of the offending vehicle by Respondent No.1 and that he sustained injuries in the said accident.

11. In order to discharge the said burden, the petitioner examined himself as **PW1**. He deposed in support of the manner of the accident, the rash and negligent driving of the offending vehicle by Respondent No.1, the injuries sustained by him, the treatment undergone and the expenditure incurred towards medical treatment. During the course of cross-examination, PW1 deposed that he was riding the motorcycle at the time of the accident. He admitted that he had not filed any document to show that the motorcycle belonged to him and that he had also not filed his driving licence. He further deposed that the complaint was lodged by his father.

12. **PW2** is the Orthopaedic Surgeon, who deposed that the petitioner was admitted in Yashasvi Hospital on 09.06.2023 and discharged on 13.06.2023. He further deposed that the petitioner sustained the following injuries:

(1) Crush injury both hands with compound right little finger proximal, phalanx fracture;
(2) Left ulnar styloid prodess fracture left index and middle finger middle phalangeal fractures; and
(3) Left index and ring finger proximal phalangeal fractures.

He further deposed that Exs.A4 and A5 were issued by the hospital.

13. **PW3** is the Billing Manager of Yashasvi Hospital. He deposed that the petitioner incurred medical expenditure of ₹92,985/- towards treatment in the hospital and that Ex.A5 is the final bill issued by the hospital.

14. Apart from the oral evidence of PW1 to PW3, the petitioner relied upon Exs.A1 to A5. **Ex.A1** is the certified copy of the FIR in Crime No.268 of 2023 registered by Gajwel Police under Section 337 IPC on the basis of the complaint lodged by the father of the petitioner against Respondent No.1. **Ex.A2** is the certified copy of the charge sheet, which reveals that Gajwel Police, after investigation, filed the charge sheet against Respondent No.1 for the offence under Section 338 IPC, alleging that the accident occurred due to the rash and negligent driving of the offending vehicle bearing Registration No.TS-05-UE-3637, resulting in injuries to the petitioner. **Ex.A3** is the MLC record. **Ex.A4** is the discharge summary issued by Yashasvi Hospital, which reveals that the petitioner was admitted on 09.06.2023 and discharged on 13.06.2023 and sustained the above three grievous fracture injuries. **Ex.A5** is the final hospital bill, which reveals that the petitioner incurred medical expenditure of ₹92,985/- towards his treatment.

15. On the other hand, Respondent No.2 contended that the accident occurred due to the rash and negligent riding of the motorcycle by the petitioner and that the insurance policy relied upon by the petitioner is a fake policy. However, absolutely no evidence has been adduced by Respondent No.2 to establish that the accident occurred due to the rash and negligent riding of the motorcycle by the petitioner. Hence, the said contention is devoid of merit and is liable to be rejected.

16. In support of its defence, Respondent No.2 examined its Senior Manager (Legal), as RW1. He deposed that the insurance policy relied upon by the petitioner is a fake policy and that the respondent company had lodged a complaint before Gajwel Police in that regard. He further deposed that the cover note referred to by the petitioner was actually issued in favour of one Bathini Sahadev in respect of vehicle bearing Registration No.TS-30T-2160. RW2 deposed that, based on the complaint lodged by Respondent No.2, Gajwel Police registered Crime

No.295 of 2025 under Section 420 IPC. Respondent No.2 also relied upon Exs.B1 to B7. **Ex.B1** is the office copy of the police complaint lodged by Respondent No.2. **Ex.B2** is the copy of the letter dated 14.06.2024 issued by Respondent No.2. **Ex.B3** is the copy of the application submitted under the Right to Information Act by Respondent No.2. **Ex.B4** is the request letter addressed by Respondent No.2 to the Commissioner of Police. **Ex.B5** is the copy of the insurance policy issued in respect of vehicle bearing Registration No.TS-30-T-2160. **Ex.B6** is the certified copy of the FIR in Crime No.295 of 2025 of Gajwel Police Station. **Ex.B7** is the certified copy of the charge sheet filed in Crime No.295 of 2025 against Respondent No.1 alleging creation of a fake insurance policy.

17. The evidence of RW1 and RW2 coupled with Exs.B1 to B7 establishes that the insurance policy relied upon by the petitioner is a fake policy. However, the question under Issue Nos.1 and 2 is whether the accident occurred due to the rash and negligent driving of the offending vehicle by Respondent No.1 and whether the petitioner sustained injuries in the said accident. The evidence of PW1 to PW3 coupled with Exs.A1 to A5 clearly establishes that the accident occurred on 09.06.2023 at about 9.00 p.m. near Pidched Cross Road, Gajwel Town, Siddipet District, due to the rash and negligent driving of the offending lorry bearing Registration No.TS-05-UE-3637, resulting in the petitioner sustaining three grievous injuries. Accordingly, Issue Nos.1 and 2 are answered in favour of the petitioner and against the respondents.

<u>Additional Issue No.1</u>

18. The burden lies on Respondent No.2 to establish that the insurance policy relied upon by the petitioner is a fake policy. In support of the said contention, Respondent No.2 examined RW1 and RW2 and relied upon Exs.B1 to B7. As discussed while appreciating the evidence of RW1 and RW2, Exs.B1 to B7 clearly establish that Policy No.1103201250004 1525 with Cover Note No.RO7012022431, said to be

valid from 04.02.2023 to 03.02.2024, purportedly issued in the name of Respondent No.1 in respect of the offending vehicle bearing Registration No.TS-05-UE-3637, is a fake policy. The evidence further establishes that the said Cover Note No.RO7012022431 pertains to Policy No.11032202334000741, which was issued in favour of one Bathini Sahadev, valid from 07.01.2020 to 06.01.2021, in respect of vehicle bearing Registration No.TS-30-T-2160. Accordingly, this Tribunal holds that the insurance policy relied upon by the petitioner in respect of the offending vehicle is a fake policy and answers Additional Issue No.1 in favour of Respondent No.2 and against the petitioner.

Issue No.3

19. This Tribunal has already held under Issue Nos.1 and 2 that the petitioner sustained grievous injuries in the road traffic accident that occurred on 09.06.2023 due to the rash and negligent driving of the offending vehicle by Respondent No.1. Under Additional Issue No.1, this Tribunal has further held that the insurance policy relied upon by the petitioner in respect of the offending vehicle is a fake policy. The next question that arises for consideration is the determination of the compensation payable to the petitioner. It is a settled principle of law that the compensation awarded under the Motor Vehicles Act should be just, fair and reasonable. Therefore, this Tribunal proceeds to assess the compensation under the various permissible heads so as to award just compensation commensurate with the injuries sustained by the petitioner in the accident.

20. **Transportation Expenses:** The petitioner claimed compensation towards transportation expenses. Though no documentary evidence has been produced to show the actual expenditure incurred towards transportation, it is evident from the evidence of PW2 and Ex.A4 that immediately after the accident, the petitioner was shifted to Yashasvi Hospital, Gajwel, where he underwent inpatient treatment. It is also

reasonable to infer that he would have incurred expenditure towards transportation for follow-up treatment. Therefore, this Tribunal deems it just and reasonable to award a sum of **₹10,000/-** towards transportation expenses.

21. **Extra Nourishment:** The petitioner also claimed compensation towards extra nourishment. Admittedly, as per Ex.A4, the petitioner was admitted to Yashasvi Hospital on 09.06.2023 and was discharged on 13.06.2023. Considering the nature of the grievous injuries sustained by the petitioner and the period of hospitalization and recovery, it is evident that he would have incurred expenditure towards special diet and extra nourishment. Therefore, this Tribunal awards a sum of **₹20,000/-** towards extra nourishment.

22. **Damages to Clothes:** The petitioner further claimed compensation towards damages to clothes. Considering that the petitioner sustained injuries in the road traffic accident, it can reasonably be presumed that the clothes worn by him at the time of the accident were damaged. Hence, this Tribunal awards a sum of **₹5,000/-** towards damage to clothes.

23. **Pain and Sufferance:** The petitioner claimed compensation towards pain and sufferance. The evidence of PW2 coupled with Ex.A4, the discharge summary, establishes that the petitioner sustained three grievous fracture injuries, viz., crush injury to both hands with compound fracture of the proximal phalanx of the right little finger, fracture of the left ulnar styloid process with fractures of the middle phalanges of the left index and middle fingers, and fractures of the proximal phalanges of the left index and ring fingers. The petitioner underwent inpatient treatment from 09.06.2023 to 13.06.2023 and had to undergo considerable pain and suffering during the course of treatment and recovery. Therefore, this Tribunal considers it just and reasonable to award a sum of **₹1,50,000/-** towards pain and sufferance.

24. **Loss of Earnings:** The petitioner claimed that he was working as an agriculturist and labourer. Though no documentary evidence has been produced to establish his monthly income, it cannot be disputed that, owing to the grievous fracture injuries sustained by him, he could not have attended to his agricultural and labour work during the period of treatment and recuperation. Considering the nature of his avocation and the period required for recovery, this Tribunal notionally assesses the loss of earnings at ₹10,000/- per month for a period of six months and accordingly awards a sum of **₹60,000/-** towards loss of earnings.

25. **Medical Expenses:** The petitioner claimed compensation towards medical expenses. PW3, the Billing Manager of Yashasvi Hospital, deposed that the petitioner incurred medical expenditure towards his treatment. Ex.A5, the final hospital bill issued by Yashasvi Hospital, reveals that the petitioner incurred an expenditure of ₹92,985/- towards his treatment. There is no material on record to disbelieve the said document. Therefore, this Tribunal awards a sum of **₹92,985/-** towards medical expenses.

26. For the reasons aforementioned, this Tribunal comes to conclusion that the petitioner shall be awarded compensation as under—

Head of Account	**Compensation Awarded ₹**
Transportation Charges	10,000.00
Extra Nourishment	20,000.00
Damages to Clothes	5,000.00
Pain and Sufferance	1,50,000.00
Loss of Earnings	60,000.00
Medical Expenses	92,985.00
TOTAL	**3,37,985.00**

27. Following the ruling of the Hon'ble Supreme Court of India in a decision reported in **AIR 2019 SC page 2079** between "**National Insurance Company Limited Vs. Mannat Johal**" the petitioner is entitled to simple interest @ 7.5% per annum for the said awarded amount.

28. Now, it has to be decided as to who is liable to satisfy the compensation awarded to the petitioner. Admittedly, Respondent No.1 is the owner-cum-driver of the offending vehicle. As already held under Issue Nos.1 and 2, the accident occurred due to the rash and negligent driving of the offending vehicle by Respondent No.1, resulting in grievous injuries to the petitioner. Respondent No.1 remained exparte and did not choose to contest the claim.

(i) As discussed while answering Additional Issue No.1, the petitioner failed to produce any genuine insurance policy in respect of the offending vehicle. On the other hand, the evidence of RW1 and RW2 coupled with Exs.B1 to B7 clearly establishes that the insurance policy purported to have been issued in respect of the offending vehicle bearing Registration No.TS-05-UE-3637 is a fake policy and that no insurance policy was issued by Respondent No.2 in respect of the said vehicle. Therefore, Respondent No.2 cannot be fastened with any liability to indemnify Respondent No.1.

(ii) In the above circumstances, Respondent No.1, being the owner-cum-driver of the offending vehicle, is solely liable to pay the compensation awarded to the petitioner, and Respondent No.2-Insurance Company is not liable to pay any compensation in the present case. Accordingly, this Tribunal answers Issue No.3 in favour of the petitioner and against Respondent No.1, and in favour of Respondent No.2 to the extent of its liability.

Issue No.4

29. In the result, the petition is allowed in part with proportionate costs, awarding compensation of **₹3,37,985/- (Rupees Three Lakhs Thirty-Seven Thousand Nine Hundred and Eighty-Five only)** to the petitioner, together with interest thereon at the rate of 7.5% per annum from the date of filing of the petition till the date of realization.

(i) Respondent No.1, being the owner-cum-driver of the offending vehicle, shall deposit the aforesaid compensation amount together with accrued interest and proportionate costs before this Tribunal within two months from the date of this order.

(ii) Upon such deposit, the petitioner is permitted to withdraw the entire compensation amount together with accrued interest and proportionate costs.

(iii) The claim against Respondent No.2-Insurance Company is dismissed.

(iv) Since the petitioner was granted exemption from payment of court fee at the time of filing of the petition vide orders in I.A. No.1804 of 2023, dated 06.07.2023, under Section 475(2) of the Motor Vehicles Act, the petitioner shall pay the court fee of ₹9,360/- within 15 days from the date of this order. In default of such payment, the said amount shall be recovered from the decretal amount.

(v) The rest of the claim of the petitioner is dismissed.

(vi) The advocate's fee is fixed at ₹2,000/-.

NOTE: The compensation amount awarded shall be deposited through NEFT or RTGS to the account of Chairman, Motor Accidents Claims Tribunal-cum-Principal District Judge, Ranga

Reddy, Savings Account No.43832047115 of SBI, Ranga Reddy Court Complex with IFSC Code.SBIN0021100.

Dictated to the Stenographer, transcribed by him, corrected and pronounced by me in the Open Court, this the 10th day of July 2026.

Sd/-
Chairman
Motor Accidents Claims Tribunal-cum-
Principal District Judge
Ranga Reddy District at L.B.Nagar

APPENDIX OF EVIDENCE

WITNESSES EXAMINED

FOR PETITIONER

PW-1 : Nirudi Ganesh
PW-2 : Dr. Manda Sai Nath Reddy
PW-3 : P.Abhilash

FOR RESPONDENTS

RW-1 : P.Ayyappa Kumar
RW-2 : Md. Omer

DOCUMENTS MARKED

FOR PETITIONER

Ex.A1 : Certified copy of FIR in Crime No.268 of 2023 of Gajwel Police Station.
Ex.A2 : Certified copy of Charge Sheet in Crime No.268 of 2023.
Ex.A3 : MLC Certificate.
Ex.A4 : Discharge Summary issued by Yashasvi Hospital, Gajwel.
Ex.A5 : Final Hospital Bill issued by Yashasvi Hospital, Gajwel.

FOR RESPONDENTS

Ex.B1 : Office copy of police complaint lodged by Respondent No.2.
Ex.B2 : Copy of letter dated 14.06.2024 issued by Respondent No.2.
Ex.B3 : Copy of application submitted under the Right to Information Act by Respondent No.2.

Ex.B4 :	Copy of request letter addressed by Respondent No.2 to the Commissioner of Police.
Ex.B5 :	Copy of Insurance Policy issued in respect of vehicle bearing Registration No. TS-30-T-2160.
Ex.B6 :	Certified copy of FIR in Crime No.295 of 2025 of Gajwel Police Station.
Ex.B7 :	Certified copy of Charge Sheet in Crime No.295 of 2025 of Gajwel Police Station.

Sd/-
Chairman,
Motor Accidents Claims Tribunal-cum-
Principal District Judge
Ranga Reddy District at L.B.Nagar