

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL – CUM -
THE COURT OF THE X ADDITIONAL CHIEF JUDGE, AT CITY
CIVIL COURT, HYDERABAD**

Present : Ch.Jithendhar,
X Addl.Chief Judge, City Civil Court, Hyderabad
Monday, this the 16th day of February, 2026

MVOP No. 1061 of 2022	
CNR No.: TSHC010025932022	

Between :

1. Chanagala Jhansi w/o late Venkateswarlu, age:40yrs, occ.: housewife,
 2. Chanagala Sai Sathwika d/o late Venkateswarlu, age:18yrs, occ.: student,
 3. Chanagala Laxmi w/o late Ramaiah, age:70yrs, occ.: housewife,
- all are r/o h.no.16-2-738/2/B/C/1, Asmangadh, near St.Joseph school, Malakpet, Hyderabad, n/o h.no.6-2-17, Jammi Banda road, Khammam.

... Petitioners

AND

1. P.Karthikeyan s/o Paneer selvam, age : major, occ.:business, r/o no.202, Muthuvinayagat Koil Street, Tiruvannamalai - 606601
2. The New India Assurance Co.Ltd., r/by its Manager, 2nd floor, New India Building, near Hindu building, IDA Uppal, Hyderabad

... Respondents

Counsel for petitioners : Sri P.V.Ramana Murthy, Advocate

Counsel for respondent no.2 : Sri T.Narsi Reddy, Advocate

This case having come before me for hearing from 17/11/25 till today, having heard and considered the record, this court delivered the following :

ORDER/AWARD

1. **Claim** : This MVOP is filed u/s 166 of the MV Act on 10/6/22 by the petitioners seeking a total compensation of Rs.90,00,000/- along with interest and costs from the respondents jointly and severally for the alleged death of

her husband/Ch.Venkateswarlu due to a motor vehicle accident on 10/11/2021.

2. Petition averments in brief :

2.1. On 9/11/2021 deceased/Ch.Venkateswarlu along with his brother went to Thiruvannamalai and on 10/11/21 at about 10.30pm while they were walking towards south to north towards Vayulingam one Royal Enfield motor cycle b.no.TN 25BE 9900 driven by respondent no.1 in high speed in rash and negligent manner, hit him due to which he fell down on road, sustained multiple injuries on head occipital region. He was immediately shifted to Government hospital at Tiruvannamalai where first aid was provided, later shifted to CMC hospital, Vellore where two surgeries were performed and later discharged on 24/11/21. Again he was admitted in same hospital on 17/12/21 and discharged on 6/1/22 after treatment. Later he was treated at KIMS hospital on 22/1/22. Later he was admitted in Medha hospital on 22/1/22 and died on 26/1/22 there while undergoing treatment.

2.2. Police of Tiruvannamalai PS registered the same vide Cr.No.1035/2021 and after investigation opined that the accident occurred due to the rash and negligent driving of said motor cycle by its owner/respondent no.1. As deceased died at Medha Hospital, Khammam, police at Khammam PS again registered the same vide Cr.No.46/22. Deceased/Ch.Venkateswarlu was 49yrs old, doing business in the name and style of Sri Sai Manikanta Motors, and used to earn 5lacs per annum. Petitioners, being his wife, daughter & mother, are dependent on his income. His sudden death caused much sufferance, loss of earnings and misery to the petitioners. The said offending motor cycle was owned by respondent no.1 and was insured with respondent no.2. Therefore, the respondents are jointly and severally liable to pay compensation to the petitioners. Hence, this petition.

3. Respondent no.1 did not choose to appear and contest and hence he was set ex parte on 29/12/2022.

4. Respondent no.2 filed **counter** generally denying the contentions of the petitioners and raising various defenses viz., a) the very occurrence of accident, involvement of said motor cycle and the manner in which it allegedly occurred is not admitted; b) there is no documentary support as to age, relationship, occupation, income and medical expenses of deceased; c) respondent no.2 seeks protection u/s 134, 147, 149, 158 & 170 of MV Act; d) the motor cycle of the respondent no.1 being validly insured with respondent no.2 is not admitted; e) respondent no.1 do not have valid driving license; and f) petitioners' claim is excessive, arbitrary and is liable to be dismissed.

5. Basing on the above pleadings, the following issues were framed for trial on 22/2/2024.

1. *Whether the accident had occurred due to the rash and negligent act of the driver of crime vehicle i.e., two wheeler b.no.TS 25 BE 9900 ?*
2. *Whether the petitioners are entitled for compensation, if so, to what extent and from whom ?*
3. *To what relief ?*

6. Though initially respondent no.2 opposed this petition against it questioning the motor cycle being properly insured, after petitioners' evidence, it itself filed the true copy of policy document in force which is marked as ExB1.

7. Hence, the issues are recasted as follows :

1. *Whether the accident occurred on 10/11/2021 at about 10.30pm near Vayulingam, Thiruvannamalai, Tamilnadu due to rash and negligent driving of the motor cycle b.no.TN 25BE 9900 by respondent no.1 ?*
2. *Whether Ch.Venkateswarlu sustained injuries in the said accident and*

later died on 26/1/2022 at Medha hospital, Khammam as a result of said injuries ?

3. *Whether respondent no.1 is in possession of valid driving license ?*
4. *Whether the petitioners are entitled for compensation ? If so, what is the quantum of compensation and from which of the respondents ?*
5. *To what relief ?*

8. In support of their contentions, petitioners examined PW1 to 4. ExA1 to A19 were marked for petitioner. First ExX1 & X2 were marked through PW3 and later another document was marked again as ExX1 through PW4, hence the subsequent document marked as ExX1 through PW4 shall be treated and referred as ExX3 hereafter. Respondent no.2 adduced no oral evidence but got marked ExB1 on admission. Heard the learned counsels for both sides. Petitioner counsel filed written arguments. Perused the record.

9. **Issue no.1 :** *Whether the accident occurred on 10/11/2021 at about 10.30pm near Vayulingam, Thiruvannamalai, Tamilnadu due to rash and negligent driving of the motor cycle b.no.TN 25BE 9900 by respondent no.1 ?*

9.1. Petitioners' case is that the accident occurred on 10/11/2021 at about 10.30pm due to rash and negligent driving of the motor cycle b.no.TN 25BE 9900 by respondent no.1 in high speed due to which it hit the husband of petitioner no.1 due to which he fell down on the road wherein deceased sustained multiple fracture injuries on head and occipital region and later died on 26/1/2022 while undergoing treatment at Medha Hospital at Khammam. PW1 deposed the same.

9.2. After the accident the same was reported to local police vide ExA1. As per the translation available the contents of complaint therein are same as contended by petitioners. After death of deceased on the request of

police at Khammam where ExA3 was registered, Thiruvannamali police transferred report of investigation done by them vide ExA2 which reported that their investigation revealed that the accident occurred due to rash and negligent driving of the motor cycle owned by respondent no.1 herein in high speed rashly and negligently and as such liable to be punished for offences u/s 279 & 304A IPC. Other crime record vide ExA13 to A17 also corroborate the same. Thus the evidence of PW1 coupled with said documentary evidence are sufficient to establish the petitioners' version that the accident occurred due to rash and negligent driving of respondent no.1. On the other hand respondent no.1 did not even choose to contest this petition, due to which it remained undenied on his behalf.

9.3. Considering these circumstances, I reasonably opine and hold that there is reasonable and convincing evidence to impress that the accident occurred due to negligent driving of respondent no.1. Accordingly, this issue is answered in affirmative.

10. **Issue No.2 :** *Whether Ch.Venkateswarlu sustained injuries in the said accident and later died on 26/1/2022 at Medha hospital, Khammam as a result of said injuries ?*

PW1 deposed that the accident occurred at Thiruvannamalai on 10/11/21 at about 10.30pm, that her husband was injured in such accident and shifted to various hospitals from the date of accident till his death on 26/1/22. PW2 is the doctor who treated deceased at CMC hospital, Vellore and he deposed that deceased was admitted in their hospital on 11/11/21 with injuries viz., right frontal and temporal haematoma, left basifrontal and temporal pole contusion, left cerebral hematoma and left occipital bone fracture. He deposed further that first surgery was done on 11/11/21, that second surgery was done on 12/11/21 and discharged on 17/11/21, that later he was admitted again on

17/12/21 whereby two more surgeries were performed on 17/12/21 and 27/12/21, that later he was discharged on 6/1/22. He confirmed ExA4, A5 & A10 to be issued by their hospital. He clarified that first he was provided with first aid at Tiruvannamali govt.hospital and shifted to their hospital on 11/11/21. Nothing much was elicited during their cross examination to discard their consistent evidence. Further there is other documentary evidence in the form of ExA6/discharge summary, ExA12/death summary, ExA7 to 11/medical bills in between, ExA13/copy of PME report and ExA3/copy of FIR reasonably convincing his death due to said injuries in the accident during continuous treatment since then. On the other hand there is no evidence to rebut the same. Accordingly, this issue is answered in affirmative.

11. **Issue No.3 :** *Whether respondent no.1 is in possession of valid driving license ?*

Respondent no.1 remained ex parte. Respondent no.2 contended that respondent no.1 do not have valid driving license and as such violated the terms of policy and law due to which it is not liable for compensation and respondent no.1 alone is liable for compensation. However, ExA2/police report do not suggest anything to show that respondent did not have valid driving license as on the date of accident as alleged. Moreover, ExA16/copy of MVI report clearly contained the details of driving license of respondent no.1 herein which are valid so far as vehicle involved herein is concerned. Respondent no.2 was permitted defenses as per s.170 of MV Act. Hence, the burden to prove this issue is on respondent no.2, but it failed to adduce any evidence in this regard. As such there is ample evidence to hold that respondent no.1 possessed valid driving license to drive said motor cycle as on the date of accident herein. Accordingly, this issue is answered in affirmative.

12. **Issue No.4 :** *Whether the petitioners are entitled for compensation ? If*

so, what is the quantum of compensation and from which of the respondents ?

12.1. **Loss of dependency** : Petitioners contended that deceased/Ch.Venkateswarlu was aged 49yrs, doing business in the name and style of Sri Sai Manikanta Motors, earned 5lacs per annum. So far as age is concerned, no proper age proof is filed and hence in the absence of such age proof, medical records vide ExA12/death summary and ExA13/PME report have to be considered which contained 48yrs. Hence, deceased age as contended by petitioners as 49yrs can be considered.

12.2. So far as income is concerned, petitioner filed ExA19/IT returns for the AY 2016-19 which show his last gross annual income as Rs.4,29,000/-. Though ExA19 contained IT returns of Sri Sai Manikanta Motors firm for AY2020-21, the same cannot be considered as it is of firm and PW1 admitted that there are about 4 partners in it. To confirm the said IT returns petitioners examined PW4/income tax official through who ExX3 same IT returns copies are filed as confirmed by him as filed by deceased. Nothing material was elicited during cross examination to disprove the same. On the other hand no evidence was adduced by respondent no.2 to discard the same. Hence, ExA19 so far as his IT returns for AY2018-19 is concerned the income therein can be relied on in my considered opinion.

12.3. Since the age is 49years, as deceased can be considered as self-employed, considering his age 25% has to be added towards future prospects following the ruling of the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi and others, (2017) 16 SCC 680***. Considering the age, the applicable multiplier is '13'. Therefore, the Loss of earnings is (Rs.4,29,000/- p.a. + Rs.1,07,250/- (25%)) x 13, which comes to Rs.69,71,250/-. Since there is three dependents, 1/3rd has to be deducted towards personal living expenses, which comes to Rs.23,23,750/-. In all

reasonably loss of dependency would be Rs.46,47,500/- (6971250 - 2323750).

12.4. The petitioners can be awarded the following sums under the standard heads :

1. **Loss of consortium** : A sum of Rs.44,000 to each petitioner towards loss of spousal, parental & fillial consortium shall be awarded following the rulings of the Hon'ble Supreme Court *in National Insurance Company Limited v. Pranay Sethi and others, (2017) 16 SCC 680; Magma General Insurance Company Limited v. Nanu Ram, (2018) 18 SCC 130; Joginder Singh v. ICIC Lombard General Insurance Co., (2020) 18 SCC 808 and Janabai v. ICICI Lombard Insurance Co.Ltd (2022) 10 SCC 512.*

2. **Loss of Estate** : A sum of Rs.16,500/- towards loss of estate can be awarded to the petitioners following the ruling of the Hon'ble Supreme Court of India in *National Insurance Company Ltd., Vs. Pranay Sethi and others.*

3. **Funeral expenses** : A sum of Rs.16,500/- towards funeral expenses can be awarded to the petitioners following the ruling of the Hon'ble Supreme Court of India in *National Insurance Company Ltd., Vs. Pranay Sethi and others.*

12.5. **Medical expenses** : According to petitioners, deceased met with accident on 10/11/21, immediately shifted to government hospital at Thiruvannamalai where first aid was provided, later shifted to CMC hospital at Vellore where 4 surgeries were performed and he was treated therein in two different spells from 11/11/21 to 24/11/21 and from 17/12/21 to 6/1/22, later he was examined at KIMS hospital on 22/1/22, and finally admitted at Medha hospital, Khammam on 22/1/22 whereby during treatment there he died on such injuries on 26/1/22. It is already discussed that PW1 & 2 deposed the same. PW3 confirmed that the treatment of deceased was in such two spells

at CMC, Vellore, that first spell total bill was Rs.4,79,160/- and second spell total bill was Rs.5,36,838/-, that the total medical expenditure of deceased at their hospital was Rs.10,15,998/- including pharmacy, out-patient and investigation charges. ExA7, ExX1 & ExX2 confirm the same. Though petitioners got marked ExA10/bunch of medical bills separately to claim Rs.8,04,202/- separately by contending that ExA7 did not include pharmacy and investigation charges, PW3 clearly stated that ExX1 & X2 was including pharmacy, out-patient and investigation charges. Hence, petitioners are not entitled to ExA10 separately, but they are entitled to medical expenditure as per ExX1.

12.6. Further petitioners got marked ExA8/discharge bill from Suvidha hospital and ExA9/discharge bill from KIMS hospital which show expenditure of Rs.64,400/- & 58,000/-. As there is no evidence to disprove or discard the same and there is nothing in cross examination to discard the same, petitioners are entitled even to such medical expenditure. As such petitioners are entitled to Rs.11,38,398/- in toto towards medical expenses under this head.

12.7. **Transportation charges** : Petitioners filed ExA11 and contended Rs.1,14,640/- as ambulance charges for transportation of deceased for treatment on various dates between date of accident and date of death. But the total of 4 bills filed is only Rs.92,640/- and there is no evidence otherwise to rebut the same. Hence, I reasonably opine that they are entitled to Rs.92,640/- under the head of transportation charges.

12.8. Considering all the discussion supra, the just compensation that can be awarded to the petitioners is as follows.

Loss of dependency	Rs.46,47,500/-
Loss of consortium @ Rs.44,000/-	Rs.1,32,000/-

Loss of estate	Rs.16,500/-
Funeral expenses	Rs.16,500/-
Transportation charges	Rs.92,640/-
Medical expenses	Rs.11,38,398/-
Total	Rs.60,43,538/-

12.9. Hon'ble Supreme Court in (1) *Anjani Singh v Saluddin (2014) 15 SCC 582*, (2) *Syed Sadiq v United India Insurance Co. Ltd (2014) 2 SCC 735* and (3) *Chanderi Singh v Jaspal Singh (2015) 11 SCC 703* following the judgment in *Municipal Corporation of Delhi Vs. Association of Victims of Uphaar Tragedy and others (2011) 14 SCC 481* held that 9% interest can be awarded from the date of filing of the claim till date of realization.

12.10. Since the accident was caused by rash and negligent driving of his motor cycle by respondent no.1 and as it was insured with respondent no.2, they both are jointly and severally liable to pay the compensation to petitioners. But the respondent No.2 being the insurer of the offending vehicle, is liable to deposit this amount payable to the petitioner along with interest and costs. Accordingly, this issue is answered.

13. **Issue No.5 : To what relief ?**

In the result, this petition is partly allowed with costs, holding the respondents No.1 & 2 jointly and severally liable to petitioners a sum of **Rs.60,43,538/-** (Rupees sixty lacs forty three thousand five hundred and thirty eight only) towards compensation with interest at 9% per annum from the date of filing of claim till date of realization. Respondent No.2, being the insurer of the offending vehicle, is directed to deposit the said amount along with proportionate costs and interest within a period of one month, failing which, the petitioners are entitled to recover the same by following due process of law.

Considering the relationship and other circumstances of petitioners, I hold that petitioner no.1 is entitled to Rs.34,55,538/- (2147500+1138398+92640+44000+16500+16500) with total interest and costs on total compensation amount so deposited, petitioner no.2 is entitled to Rs.20,44,000/- (2000000+44000), and petitioner no.3 is entitled to remaining Rs.5,44,000/- (5,00,000+44,000). Upon deposit, petitioners shall be entitled to withdraw their respective shares as supra, as petitioner no.2 also has become major by now. The Advocate Fee is fixed at Rs.1,500/-.

Since the petitioners were granted 75% court fee exemption at the time of filing the petition conditionally, they shall pay the remaining court fee as per law within 15 days from the date of the order. If the petitioners fail to pay the deficit court fees, the same shall be recovered from the decree amount.

Typed by me on my laptop, corrected and pronounced by me in open court on this the 16th day of February, 2026.

X Addl.Chief Judge,
City Civil Court, Hyderabad

Appendix of evidence
Witnesses examined

For Petitioners :

PW1	Chanagala Jhansi	Petitioner no.1
PW2	Dr.Tony Varghese Panicker	Neuro Surgeon
PW3	S.Bhaskaran	Billing manager, CMC, Vellore
PW4	D.Mahendra Chaitanya	Inspector, Income Tax Officer, Khammam

For Respondent no.2 : Nil

Exhibits marked

For Petitioners :

Exhibit	through	Description of documents
ExA1	PW1	CC of FIR in Cr.No.1035/2021 of PS Thiruvannamalai with translation

ExA2	PW1	CC of charge sheet with translation
ExA3	PW1	CC of FIR in Cr.No.46/2022 of PS Khammam
ExA4	PW1	Discharge summary by CMC, Vellore
ExA5	PW1	Discharge summary by CMC, Vellore
ExA6	PW1	Discharge summary by CMC, Vellore
ExA7	PW1	Discharge bill by CMC, Vellore for Rs.4,79,160/-
ExA8	PW1	Discharge bill by Suvidha hospital for Rs.64,400/-
ExA9	PW1	Discharge bill by KIMS hospital for Rs.58,000/-
ExA10	PW1	Bunch of medical bills
ExA11	PW1	Ambulance transport bills
ExA12	PW1	Death summary by Medha hospital
ExA13	PW1	CC of PME report
ExA14	PW1	CC of panchanama
ExA15	PW1	CC of alteration memo along with letter
ExA16	PW1	CC of MVI report
ExA17	PW1	CC of sketch plan of accident
ExA18	PW1	Medical reports
ExA19	PW1	Income tax assessments for AY 2016-19 and 2020-21
ExX1	PW3	Statement of medical bill account of deceased by CMC, Vellore
ExX2	PW3	Consolidated receipt for Rs.5,36,838/-
ExX3	PW4	IT returns of deceased and Sri Sai Manikanta Motors for AY2016-19 & 2020-21

For Respondent no.2 :

Exhibit	through	Description of documents
ExB1	On admission	attested copy of insurance policy

X Addl.Chief Judge,
City Civil Court, Hyderabad