

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL – CUM – THE
VI ADDITIONAL DISTRICT AND SESSIONS JUDGE’S COURT ::
VISAKHAPATNAM**

PRESENT: Sri. V. Srinivasa Rao,
Chairman, Motor Accidents Claims Tribunal -cum-
VI Additional District and Sessions Judge, Visakhapatnam.

Monday, this the 30th day of June, 2025

MVOP No.481 of 2023

Between

1) Madabathula Venkata Ratnam, W/o Madhusudhan, Hindu, aged 42 years, R/o D.No.28-16-7/2, Suryabagh, Opp: Sivalayam, Dabagardens, Visakhapatnam. 2) Madabathula Vedavalli, D/o Late Madhusudhan, Aged 17 years, Hindu, being minor represented by her mother natural guardian 1st petitioner Madabathula Venkata Ratnam, W/o Madhusudhan, Aged 42 years, Hindu, R/o D.No.28-16-7/2, Suryabagh, Opp: Sivalayam, Dabagardens, Visakhapatnam. 3) Madabathula Denakar, S/o Madhusudhan, Hindu, aged 17 years, being minor represented by his mother natural guardian 1st petitioner Madabathula Venkata Ratnam, W/o Madhusudhan, Aged 42 years, Hindu, R/o D.No.28-16-7/2, Suryabagh, Opp: Sivalayam, Dabagardens, Visakhapatnam. 4) Madabathula Radhamani, W/o Venkata Satyanarayana, Aged 61 years, Hindu, R/o D.No.28-16-7/2, Suryabagh, Opp: Sivalayam, Dabagardens, Visakhapatnam.	 Petitioners.
-and-	
L.Ramesh , S/o L.Lakshmana Rao, Aged 44 years, Hindu, Driver-cum-owner of the Car CG-18 L-1617, R/o MN503, TS 3, Subashnagar, Bacheli District, Dantewada, Chattisgarh. Employee in NMDC Ltd.,	. Respondent.

The petition coming on 30.06.2025 for final hearing before me in the presence of Sri V.Someswara Rao, Advocate for the petitioners and of Respondent having remained set ex parte, having heard, upon perusing the material papers on

record and having stood over for consideration to this date, this Tribunal passed the following:

ORDER

The legal representatives of the deceased/Madabathula Madhusudhan, who died in a motor vehicle accident, filed this claim petition under Section 166 of The Motor Vehicles Act r/w Rules 455 of A.P Motor Vehicles Rules, seeking for a compensation of Rs.30,00,000/- [Rupees Thirty Lakhs only] with 12% interest per annum from the date of the accident and costs and such other reliefs.

2. In brief, the claim petitioners' case as alleged in the claim petition is as follows:

a) In this claim petition, it is stated that the 1st Petitioner and one Madabathula Madhusudhan (hereinafter called as deceased) are wife and husband, the petitioners 2 and 3 are their children and 4th petitioner is mother of the deceased. On 18.02.201 at about 02:30 P.M, while the deceased and one Asish Yadav were travelling in a Car bearing No.CG-18 L-1617 from Visakhapatnam to Bacheli, on the way the Respondent drove the same in a rash and negligent manner and dashed the tree on the left side of road, near Simhagiri Boys Hostel, Indira Nagar, Vizianagaram, as a result the Respondent, deceased and Asish Yadav sustained injuries and that the said Asish Yada and Respondewnt were taken to Apollo Hospital, Bacheli, whereas the deceased was shifted to Visakhapatnam. After the death of the deceased he was shifted to K.G.Hospital, Visakhapatnam.

b) Concerning the accident, basing on the report of one Davasish Pal, the S.H.O, Kuakonda Police Station registered the case in Cr.No.06/2021 U/Section 304-A, 338 of IPC against the Respondent.

c) It is further stated in the petition that at the time of accident the deceased was hale and healthy and aged about 45 years, the deceased was working as Sr.Technician Gr-III, Kirandole in NMDA Limited (A Government of

India Enterprises). The deceased was earning Rs.40,000/- per month. Due to the death of the deceased, the 1st petitioner being the wife lost her marital bliss. The 2nd and 3rd Petitioners being the children of the deceased have lost their love and affection and the 4th petitioner being the mother lost her dependency. All the petitioners suffered a lot due to death of the deceased and they became destitutes. If the deceased not met with an accident and died he would have reached to the salary of Rs.80,000/- per month.

d) The Respondent being the Driver-cum-owner of the offending vehicle bearing No.CG-18 L-1617 is liable to pay the compensation of Rs.30,00,000/- to the petitioners.

In these circumstances, this claim is made.

3. The respondent remained exparte.

4. The points arose for consideration in this petition are as follows:

(1). Whether the deceased/Madabathula Madhusudhan died in motor accident that occurred on 18.02.2021 at about 02:30 P.M, near Simhagiri Boys Hostel, Indiranagar, Vizianagaram, due to rash and negligent driving of offending car bearing No.CG-18 L-1617 driven by the respondent?

(2). Whether the petitioners are entitled compensation, if so, what amount against Respondent?; and

(3). To what relief?

5. At the time of trial, on behalf of the petitioners, the 1st petitioner herself examined as P.W.1 and got marked Exs.A.1 to A.10.

6. Heard arguments.

7. **POINT NOS.1 & 2:**

It is to be seen from the record, the deceased, one Asish Yadav being the passengers and the Respondent being the driver of Car bearing No.CG-18 L-1617 while proceeding from Visakhapatnam to Bachel, on the way near Simhagiri Boys Hostel, Indira Nagar, Vizianagaram, the Respondent negligently

dashed the tree on the left side of the road, as a result the deceased including the Respondent and another Passenger sustained injuries and that the deceased was shifted to Hospital, Visakhapatnam while undergoing treatment he succumbed to injuries.

8. The Respondent refused to receive the notice and he was set *ex parte*.

9. As seen from Ex.A1/FIR and Ex.A2/Final Report-Charge Sheet the deceased while proceeding in car driven by the respondent, the respondent drove the vehicle in a rash and negligent manner and dashed the tree, as a result, the deceased sustained grievous injuries and while undergoing treatment he died. Ex.A3 is the Death Summary disclosed that the deceased was aged about 43 years at the time of accident, in which he stated that the deceased met with road traffic accident while traveling as pillion of four wheeler. When he sustained injury near Bacheli at 02:00 A.M on 18.02.2021, subsequently while undergoing treatment he died. Prior to that he was treated at NMDC Hospital, Bacheli and subsequently he was shifted to Apollo Hospital, Visakhapatnam for further management and critical care. The deceased died on 19.02.2021 at 07:23 A.M at Apollo Hospital, Arilova, Visakhapatnam. Ex.A4 is the Motor Vehicle Report discloses that the offending vehicle is CG 18 L 1617 Skoda Rapid Car. On going through the oral evidence of P.W1, Exs.A1 to A4, the Respondent being the driver of CG 18 L 1617 drove the same in a rash and negligent manner dashed the tree near Simhagiri Boys Hostel, Vizianagaram.

INCOME OF THE DECEASED:

10. As seen from the record, at the time of accident, the deceased was working as Senior Technician, Gr-III, Kirandole in NMDC Limited (A Government of India Enterprises) and earning Rs.40,000/- per month. To substantiate the same, the petitioner marked Exs.A1 to A7. Ex.A7 is the Identity Card of the deceased Madabathula Madhusudhan with Employee Code No: H 0109 issued on 01.04.2014 valid up to 31.12.2017. Exs.A5 and A7 are Salary Slips were issued by NMDC Limited showing that the deceased was getting Rs.2,00,423.03

Ps., for the month of December, 2020, whereas in the month of January 2021 his salary was Rs.1,73,076.04 Ps., Ex.A9 is the PAN Card of deceased with Permanent Account No.AOHPM4766J, the date of birth is 28.04.1977. Ex.A8 is the Form-16 of the deceased for the Assessment year 2020-21 paid net tax Rs.2,61,048/-. His income is assessed for Rs.1,73,076/- at the time of accident.

11. The date of birth of the deceased as mentioned in the PAN Card was **28.04.1977**. The date of the accident was on **18.02.2021**. By then his age was 43 years, Nine Months and 21 days. Thus, it is the basis to calculate the compensation to be paid. P.W1 had deposed that as per the Exs.A5 and A6 Salary Slips for the month of December, 2020 and January, 2021 issued by the NMDC, Kirandole, the **gross** earnings was **Rs.1,73,076.04 Ps.**, and **deductions** were **Rs.70,537.43 Ps.**, then his salary was **Rs.1,02,539/-**. In **Sarala Varma's** case the Honourable Supreme Court had held that where the deceased was married, the deductions towards personal and living expenses of the deceased should be 1/3rd, where the number of dependent family members are 2 - 3; 1/4th where the number of dependent family members are 4 - 6; and 1/5th where the number of dependent family members exceeds 6.

12. In the present case, the dependents are '4' members. Hence, deduction of 1/4th is admissible. Therefore, 1/4th of Rs.1,02,539/- comes to Rs.25,635/-. After deduction of 1/4th from Rs.1,02,539/- the income which is contribution to the family comes to **Rs.76,904/-**. Then the annual contribution would be **Rs.76,904/- x 12 = Rs.9,22,848/-**. While determining the income an addition of 50% of the actual salary to the income of the deceased towards future prospects, where the deceased had permanent job and was below aged 40 years should be made. The addition should be 30% if the age of the deceased in between 40 to 50 years. The addition should be 15% if the age of the deceased is in between 50 and 60 years. Actual salary should be read as actual salary less tax. In the light of the above judgment of Hon'ble Supreme Court, since the deceased had crossed the age of 40 years, future prospects @ 30% to be added. The **30%** of actual income would be **Rs.2,76,854/-** and it comes to **Rs.11,99,702/-**

(Rs.9,22,848/- + Rs.2,76,854/-). If the same is multiplied with multiplier '14' as per the age of the deceased for compensation for loss of **future income comes to Rs.11,99,702/- x '14' = Rs.1,67,95,828/-.**

CALCULATION

As per the evidence of the P.W.1, the deceased being an Income Tax Assessee at the time of accident, Income Tax has to be deducted from the annual income as worked out hereunder:

EARNINGS		DEDUCTIONS	
DESCRIPTION	AMOUNT	DESCRIPTION	AMOUNT
Basic Pay	58,180.00	Ee PF Contribution	8,266.00
Dearness Allow	10,705.00	Ev VPF Contribution	5,000.00
Washing Allow	2,909.00	Income Tax	28,704.00
LTA	11,636.00	LIC	10,910.00
Transport Subsidy	4,072.00	Benevolent Fund	100.00
Special Assistance Allow	2,909.00	GSLI	58.50
Education Assistance Allow	2,400.00	Security Charge	40.00
Basic incentive	2,628.50	Miscellaneous	1.00
Ad hoc incentive	902.44	Union fund INTUC	50.00
Individual incentive	405.00	Festival Adv Principal	2,500.00
Hot Seat Incentive	3,255.00	Adj Electricity	1,128.63
Special Allow – 8%	4,654.00	Adj HRR Deduction	2.50
Other payment	2,918.26	Er.NMDC Pension contr	5,510.80
Adj Nightshift Allow	1,600.00	Er PF Contribution	7,016.00

Adj Spl Leave Encashment	18,369.00	Er Pension Contribution	1,250.00
Adj Overtime Double	31,755.04		
Er.NMDC Pension contr	5,510.80		
Er PF Contribution	7,016.00		
Er Pension Contribution	1,250.00		
TOTAL EARNINGS	1,73,076.04	TOTAL DEDUCTIONS	70,537.43
NET PAY			1,02,539.00

Gross Income : Rs.1,73,075.04/-

Deductions (-) : Rs. 70,537.43/-

Net : Rs.1,02,539/-

Annual Income of : Rs.1,02,539/- x 12 = Rs.12,30,468/-

(-) 1/4th towards personal & living expenses : Rs.3,07,617/-

Annual contribution to the family Rs.9,22,851/-
(+) 30% future prospects Rs.2,76,855/-

Total Rs.11,99,706/-

Total loss of contribution Rs.11,99,706/- x '14' = Rs.1,67,95,884/-

Income Tax Deduction:

Up to 4,00,000/-	Exempt from tax	
Rs.4,00,000/- to Rs.8,00,000/-	(5% of Rs.8,00,000/- less Rs.4,00,000/-)	Rs.20,000/-
Rs.8,00,000/- to Rs.12,00,000/-	(10% of Rs.12,00,000/- less Rs.4,00,000/-)	Rs.40,000/-
Rs.12,00,000/- to	(15% of Rs.16,00,000/- less	Rs.60,000/-

Rs.16,00,000/-	Rs.4,00,000/-)	
Rs.16,00,000/- to Rs.20,00,000/-	(20% of Rs.20,00,000/- less Rs.4,00,000/-)	Rs.80,000/-
Rs.20,00,000/- to Rs.24,00,000/-	(25% of Rs.24,00,000/- less Rs.4,00,000/-)	Rs.1,00,000/-
Above Rs.24,00,000/- to Rs.1,67,95,884/-	30% (30% of Rs.1,67,95,884/- less Rs.24,00,000/-)	Rs.43,18,765/-
Total income tax	Rs.20,000/- + 40,000/- + Rs.60,000/- + Rs.80,000/- + Rs.1,00,000/- + Rs.43,18,765/-	Rs.46,18,765/-

Actual income of the deceased is Rs.1,67,95,884/-

(-) 30 % Income Tax is Rs. 46,18,765/-

Total Rs.1,21,77,119/-

Add: Conventional Heads Rs. 70,000/-

Total income comes to **Rs.1,22,47,119/-**

Accordingly, the Petitioners are entitled to compensation as below:

1. Loss of Estate	Rs.	15,000-00
2. Loss of Consortium	Rs.	40,000-00
3. Funeral expenses	Rs.	15,000-00
4. Compensation along with future earnings	Rs.	1,21,77,119-00
Total	Rs.	Rs.1,22,47,119/-

In total a sum of **Rs.1,22,47,119/- (Rupees One Core Twenty Two Lakhs Forty Seven Thousand One Hundred and Nineteen only).**

Accordingly Points 1 and 2 are answered.

ISSUE No.4:

13. IN THE RESULT, this petition is allowed by granting **Rs.1,22,47,119/- (Rupees One Core Twenty Two Lakhs Forty Seven Thousand One Hundred and Nineteen only)** as compensation to the petitioners with costs, directing the Respondent to pay along with 7.5% interest per annum from the date of presentation of this petition till the date of realization over the compensation granted above. Respondent is directed to deposit the entire amount before the Hon'ble Court with in the one month from the date of the order.

The first petitioner being the wife of of the deceased, is entitled to **Rs.62,47,119/- (Rupees Sixty Two Lakhs Forty Seven Thousand One Hundred and Nineteen only)** along with accrued interest and costs on the total compensation.

The second petitioner being the minor daughter of the deceased, is entitled to **Rs.20,00,000/- (Rupees Twenty Lakhs only)** along with accrued interest and costs on the total compensation.

The third petitioner being the minor son of the deceased, is entitled to **Rs.20,00,000/- (Rupees Twenty Lakhs only)-** along with accrued interest and costs on the total compensation.

The fourth petitioner being the mother of the deceased, is entitled to **Rs.20,00,000/- (Rupees Twenty Lakhs only)** along with accrued interest and costs on the total compensation.

The amounts of the 2nd and 3rd petitioners being minors shall be deposited in any Nationalized bank till they attains majority. The 1st petitioner being mother of the 2nd and 3rd petitioners and she is entitled to withdraw the accrued interest for every six months.

It is recorded that the payments, if any made, by the respondent earlier shall be given due credit and only the balance remained due shall be deposited within one month from the date of this order.

The claimants are directed to pay deficit court fee within a period of one month from the date of Judgment. If claimants failed to pay court fee to the compensation awarded, the claim of claimants will restrict only to the extent of payment of court fee.

The Respondent is directed to inform the deposit of Award amount into the Bank Account of the Tribunal i.e., A/c.No.046200170005601, IFSC Code PUNB0046200 of Punjab National Bank, Main Branch, LIC Building, Visakhapatnam., and send the copy of the same to the beneficiary as per the directions of Hon'ble Supreme Court issued in the case of '*Bajaj Allianz General Insurance Company Pvt. Ltd., Vs., Union of India & Ors.*

Out of the deposited amount, the claim petitioners 1 and 4 are permitted to withdraw their respective entire amount of compensation awarded.

Advocate fee is fixed as Rs.2,000/- [Rupees Two thousand only]

MVOP is disposed of accordingly.

Decree shall be prepared and copy of this order shall be issued to the claimants only on verifying the deficit court fee, if any.

Dictated to the Stenographer Grade-II, transcribed by him, corrected and pronounced by me in the open Court, this the 30th day of June, 2025.

sd/- V. Srinivasarao
CHAIRMAN,
Motor Accidents Claims Tribunal -cum-
VI Additional District and Sessions
Judge, Visakhapatnam.

APPENDIX OF EVIDENCE

Witnesses examined

For Petitioners:

For Respondent:

PW.1 :	Madabathula Venkata Ratnam.		– Nil –
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Documents marked

For Petitioners:

EX.A1	:	Photocopy of FIR in Cr.No.6/2021 of Dantewada Police Station for the offence U/Section 279 and 337 of IPC.
EX.A2	:	Photocopy of Charge Sheet in Cr.No.6/2021 of Dantewada Police Station for the offence U/Section 279, 337 and 304-A of IPC against Respondent.

EX.A3	: Photocopy of Death Summary along with medical certificate for the cause of death of the deceased M.Madusudhan age 43 years.
EX.A4	: Photocopy of MVI Report to the vehicle bearing No.CG 18 L 1617.
EX.A5	: Original Pay Slip of deceased for the month of December, 2020 issued by NMDC, Kirandole for Rs.59,204/-.
EX.A6	: Photocopy of Pay Slip of deceased for the month of January, 2021 issued by NMDC, Kirandole for Rs.1,02,539/-.
Ex.A7	: Photocopy of Identity card showing his designation Senior Technician Grade-III.
Ex.A8	: Photocopy of Income Tax return verification of the deceased for the assessment year 2020-2021.
Ex.A9	: Photocopy of PAN CARD and Aadhar Card of deceased.
Ex.A10	: Photocopy of family member certificate of the deceased issued by Tahsildar, Visakhapatnam.

For Respondents:

	– Nil –
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sd/- V. Srinivasarao

CHAIRMAN,
Motor Accidents Claims Tribunal -cum-
VI Additional District and Sessions
Judge, Visakhapatnam.