BEFORE THE CHAIRMAN, MOTOR ACCIDENT CLAIMS TRIBUNAL -CUM- V ADDITIONAL DISTRICT JUDGE, KHAMMAM.

Friday this the 15th day of May, 2026

Present: **Vasukula Sreenaiah**
Chairman,
Motor Accidents Claims Tribunal-cum-
V Additional District Judge,
Khammam

MVOP No.42 of 2025

Between:

1. Chinthalapudi Shankar Rao, S/o:Venkatewara Rao, Age:44 years, Occ:Mechanic,
2. Chinthalapudi Prabhavati, W/O:Shankar Rao, Age:35 years, Occ:Household

Both are resident of Behind MPDO Office, Cherla Village and Mandal, Presently residing H.No.15-9-657, Beside Triveni School, Khammam City and District.

...Claim Petitioners

AND

1. Meka Ram Reddy @ Rami Reddy, S/o:Krishna Reddy, Age:26 years, Occ:Driver of the lorry bearing No.TS-07-UN-2269 R/o:H.No.4-43, Appajipeta, Nalgonda Mandal and District
2. Jenigal Narsimha S/o:Veeraiah, Age:Adult, Occ:Owner of the Lorry bearing No. No.TS-07-UN-2269, R/o:H.No.1-77, Plot No.55, Shanthi Nagar, Vanasthalipuram, Hayath Nagar, Ranga Reddy District.
3. National Insurance Co.Ltd., Rep.by its Branch Manager, erve through its local Branch Office, Trunk Road, Khammam City and District vide Policy No.551702312410000605 valid from 24.07.2024 to 23.07.2025

...Respondents

This petition is coming before me on 07.05.2026 for final hearing in the presence of **Sri.Talluri Krishna Rao,** learned counsel for Claim Petitioners; **Sri.K.Radha Krishna,** learned counsel for Respondent Nos.1 and 2 and **Sri Yakkala Subrahmanyam,** learned counsel for respondent No.3; upon perusing the material papers on record, upon hearing the arguments of both sides and having stood over for consideration till this day, this Tribunal passed the following:

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:: O R D E R ::

1. This petition is filed by petitioners Under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.15,00,000/- (Rupees Fifteen Lakhs only) on account of the death of the deceased -Chinthalapudi Revanth Raju in a fatal road accident, along with costs and interest at the rate of 12% per annum from the date of the accident, till the date of realization.

2. The averments in the petition in nutshell are, as follows:

2.1 On 15.10.2024, the deceased Chinthalapudi Revanth Raju, along with his friends namely Yambadi Muralikrishna and Shaik Yakub, was proceeding from Cherla to Edurugutta Temple on a Honda Shine motorcycle bearing Chassis No. ME4JC85JJPD051484, when they reached near the turn at Subbampeta at about 3:00 P.M, Chinthalapudi Revanth Raju was riding the motorcycle while Yambadi Muralikrishna and Shaik Yakub were travelling as pillion riders. At that time, on noticing a Bajaj CT 100 motorcycle coming from the opposite direction the deceased Revanth Raju, tried his best to avoid the accident, but he lost control of the motorcycle. In the process, the rider and pillion riders of the said Honda Shine motorcycle fell onto the road. Meanwhile, the driver of the lorry bearing No.TS-07-UN-2269, which was proceeding from Cherla towards Subbampeta drove the lorry in a rash and negligent manner at high speed and ran over the deceased Revanth Raju, and Muralikrishna, who were lying on the road. As a result, both of them sustained grievous bleeding injuries and died on the spot, while Shaik Yakub sustained grievous injuries. Thus, the accident occurred due to the rash and negligent driving of the driver of the lorry bearing No.TS-07-UN-2269.

2.2 Upon the complaint, P.S.Cherla, registered a case in **Cr.No.96/2024**, under Sections 106(1), 125 (a) B.N.S against the respondent No.1 i.e.Driver of the lorry bearing No.TS-07-UN-2269.

2.3 The deceased was hale and healthy and aged about 15 years at the time of the accident. He was a brilliant and intelligent student studying in college. Owing to the sudden demise of the deceased in the aforesaid accident, the claim petitioners being the parents of the deceased lost their future dependency and have been put to great mental agony and hardship. Due to the untimely death of their son the claim petitioners have been deprived of his love, affection and care and they have not recovered from the shock and trauma caused by the incident till date. Considering all these circumstances, the claim petitioners are claiming an amount of Rs.15,00,000/- (Rupees Fifteen Lakhs only) towards general and special damages.

2.4 The Respondent No.1 is the driver, Respondent No.2 is the owner and the respondent No.3 is the insurer of the crime vehicle i.e. lorry bearing No.TS-07-UN-2269. As such all the respondents are jointly and severally liable to pay compensation, to the petitioners. Hence, the petition.

3. Upon receipt of notices, Respondent Nos.1 and 2 appeared before this Tribunal and filed a common counter. In their counter, they categorically denied all the material averments made in the claim petition. They specifically denied the alleged involvement of the crime vehicle, i.e.,lorry bearing No.TS-07-UN-2269, in the accident. Respondent Nos.1 and 2 contended that the deceased Chinthalapudi Revanth Raju, died due to his own rash and negligent riding of the motorcycle on which the deceased/Revanth Raju was the rider and Muralikrishna and Shaik Yakub Pasha were travelling as pillion riders at the time of the accident. It was further contended that the compensation claimed by the petitioners is highly excessive and exaggerated and that the rate of interest claimed is also exorbitant. It was further submitted that Respondent No.1 was holding a valid driving licence to drive the lorry bearing No.TS-07-UN-2269. The respondents also contended that the claim petition is bad for non-joinder of necessary parties i.e.,rider and insurer of the motorcycle bearing Chassis

No.ME4JC85JJPD051484. They further stated that the crime vehicle belonging to Respondent No.2 was duly insured with Respondent No.3 insurance company and therefore, if any award is passed by this Tribunal, the liability to pay compensation shall be borne only by Respondent No.3 insurance company. Hence, Respondent Nos.1 and 2 contended that they are not liable to pay any compensation to the claim petitioners and prayed the tribunal to dismiss the claim petition against the petitioner Nos.1 and 2.

4. Upon receipt of notice, Respondent No.3./Insurance Company, in its counter, categorically denied all the material averments made in the claim petition. It specifically denied the alleged involvement of the crime vehicle, i.e.,lorry bearing No. TS-07-UN-2269 in the accident as well as the manner in which the accident is stated to have occurred. The Insurance Company also disputed the age and study of the deceased as claimed by the petitioners. It is further contended that at the time of accident, the driver of the crime vehicle i.e.,respondent No.1 was not holding valid and effective driving license to drive the crime vehicle.

4.1 It was further contended that the compensation claimed by the petitioners is highly exaggerated and that the rate of interest sought is excessive. Invoking the protections under Sections 145(b), 145(d), 146, 147, and 149 of the Motor Vehicles Act, Respondent No.3 asserted that its liability, if any, is subject to the statutory conditions, limitations, and defenses available under Sections 147 and 149 of the Act. The respondent also craves leave of this Tribunal to take all defenses available under Section 170 of the Motor Vehicles Act. The R3/Insurance company further submitted that due to non joinder of proper parties i.e. rider and and insurer of the motor cycle bearing chassis No.ME4JC85JJPD051484 the claim petition is liable to be dismissed and the R3/insurance company also took other statutory defences and prayed for the dismissal of the claim petition in its entirety.

5. Basing on the pleadings of both sides the following issues have been settled for trial :

1 ***Whether the claim petitioners are the legal heirs of the deceased and entitled to claim compensation, if so to what amount and from whom?***

2. ***Whether the claim petition is bad for non-joinder of necessary parties?***

3 ***Whether there is breach of policy conditions as contended by respondent No.3?***

4. ***To what relief?***

6. During the course of trial, on behalf of the claim petitioners, the claim petitioner No.1 was examined as Pw.1 and got marked ExA1 to Ex.A4. On behalf of the respondent Nos.1 and 2 no witnesses were examined and no exhibits were marked. On behalf of Respondent No.3, the Senior Branch Manager of the insurance company was examined as R.W.1 and Ex.B1 was marked.

7. Heard the arguments from both sides.

8. The learned counsel for the claim petitioners filed written arguments along with citations and relied upon the judgment of the **Hon'ble High Court of Andhra Pradesh at Amaravati in *APSRTC vs. B. Mallareddy*, dated 08.01.2026**, wherein it was held that:

> "It is settled law that, in motor accident claims, strict proof of negligence is not required, and the Tribunal must adopt a holistic approach based on the preponderance of probabilities, relying upon statutory records such as the FIR, postmortem report, and charge sheet."

Relying on the said judgment, the learned counsel prayed the Tribunal to grant compensation to the claim petitioners as prayed for.

9. The learned counsel for Respondent No.3 Insurance Company filed written arguments contending that the claim petition is not maintainable as the owner and insurer of the Hero Honda Shine motorcycle bearing Chassis No.ME4JC85JJPD 051484, as well as the owner and insurer of the Bajaj CT 100 motorcycle bearing Chassis No.MD2B85AX1RWB15997 were not impleaded as parties to the petition, though they are necessary parties. Therefore, Respondent No. 3 has no liability to pay any compensation to the petitioners.

9.1 It is further submitted that, as per the police records, the deceased was riding the motorcycle with two pillion riders. While riding the deceased allegedly lost control over the Hero Honda Shine motorcycle and collided with another motorcycle i.e.,Bajaj CT 100. Due to the impact, the rider and pillion riders of Bajaj CT 100 fell down and sustained simple injuries. In the meantime, a lorry bearing No.TS-07-UN-2269 proceeding from Cherla towards Subbampeta ran over the deceased and one Muralikrishna, who were lying on the road due to which they died on the spot. Another pillion rider Yakub Pasha sustained injuries to his left collar bone and below his right knee. Thus, according to Respondent No.3, the accident occurred due to the negligent riding of the Hero Honda Shine motorcycle by the deceased, who was allegedly aged about 15 years, without proper riding skills or knowledge of traffic rules. It is contended that, under the provisions of the Motor Vehicles Act, the deceased was not legally permitted to ride the motorcycle.

9.2 It is further submitted that, in cases involving multiple vehicles, when one vehicle causes a chain reaction leading to injury or death, the liability extends to the insurer of the root cause vehicle. In the present MVOP, the Hero Honda Shine motorcycle is stated to be the root cause vehicle, as it first collided with the Bajaj CT 100 motorcycle. Therefore, it is contended that there was no negligence on the part of the driver of the lorry bearing No.TS-07-UN-2269 and consequently, Respondent No.3 is not liable to pay any compensation to the claim petitioners.

ISSUE No.1:

10 The claim petitioners Nos.1 and 2 are the parents of the deceased, namely Chinthalapudi Revanth Raju and the said fact has not been denied or disputed by the respondents. Therefore, it is established that the claim petitioners are the parents and legal representatives of the deceased. In the proceedings under the Motor Vehicles Act, 1998, the finding of negligence has to be recorded on preponderance of probabilities. Therefore, both petitioners and respondents must lead appropriate evidence in support of their claim. The general purport of the word "***res ipsa loquitor***" is that the accident "***speaks for itself*" or "*tells its own story***". The right of the victim in a road accident to claim compensation is a statutory one.

11. On behalf of the petitioners, the 1st petitioner who is father of deceased/Revanth Raju examined himself as P.W.1 and he has filed an affidavit in lieu of his chief-examination as contemplated under Order-XVIII, Rule-4 (1) of C.P.C. His evidence is nothing but replica of petition pleadings.

12. According to the Petitioners, the Petitioner Nos.1 and 2 are the parents and sole legal heirs of the deceased Revanth Raju. PW1 is the Father of deceased Revanth Raju. But he is not an eye witness to the alleged accident. PW1 deposed that on 15.10.2024, the deceased Chinthalapudi Revanth Raju, along with his friends namely Yambadi Muralikrishna and Shaik Yakub, was proceeding from Cherla to Edurugutta Temple on a Honda Shine motorcycle bearing Chassis No. ME4JC85JJPD051484, when they reached near the turn at Subbampeta at about 3:00 P.M, Chinthalapudi Revanth Raju was riding the motorcycle while Yambadi Muralikrishna and Shaik Yakub were travelling as pillion riders. At that time, on noticing a Bajaj CT 100 motorcycle coming from the opposite direction the deceased Revanth Raju, tried his best to avoid the accident, but he lost control of the motorcycle. In the process, the rider and pillion riders of the said Honda Shine motorcycle fell onto the road. Meanwhile, the driver of the lorry bearing No.TS-07-UN-2269, which was proceeding from Cherla towards Subbampeta drove the lorry in a rash and negligent manner at high speed and ran over the deceased Revanth Raju, and Muralikrishna, who were lying on the road. As a result, both of them sustained grievous bleeding injuries and died on the spot, while Shaik Yakub sustained grievous injuries.

13. **P.W-1** categorically stated that the accident was occurred due to rash and negligent driving of the driver of the lorry bearing No. TS-07-UN-2269, and caused death of the deceased.

14. **P.W-1** denied the suggestion that the accident was occurred due to negligence of the deceased. Pw1 admitted that at the time of accident along with his son two other persons travelling on the said motor cycle, and his son was riding the motor cycle and his friends were pillion riders. He also deposed that his son was not wore helmet at the time of accident. He also deposed that he do not know whether the motor cycle hit the opposite another mother cycle or not. As seen from the complaint enclosed to the First Information Report **(Ex.A-1)** and Charge-sheet **(Ex.A2)** accident occurred due to rash negligence on part of the lorry bearing No. TS-07-UN-2269, however this admission is contra to Ex.A1 and EX-A2. Added to it, in support of their contention, the petitioners have filed certified copies of First Information Report with complaint (Ex.A-1), Charge-sheet (Ex.A-2), Post Mortem Examination Report (Ex.A3), Inquest Report (Ex.A4).

15. It is not in dispute that the police Cherla registered the case in Crime No.96 of 2024, under Section 106(1), 125(a) BNS and on completion of investigation, the Investigation Officer has filed charge-sheet (Ex.A-2) U/sec. Section 106(1) BNS (304-A IPC) against the driver of the crime vehicle, which *prima facie* reveals that the accident occurred due to rash and negligent driving of the driver of the lorry bearing No. TS-07-UN-2269 but not due to any mechanical defects of the crime vehicle.

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In **Bimla Devi & Others V. Himachal Road Transport Corporation & Others**[1], **Kaushnumma Begum and others v/s New India Assurance Company Limited**[2] and in **National Insurance Co. Ltd. V. Pushpa Rana**[3], it has been held that:

"the negligence has to be decided on the touchstone of preponderance of probabilities and a holistic view is to be taken. It has been further held that the proceedings under the Motor Vehicles Act are not akin to the proceedings in a Civil Suit and hence, strict rules of evidence are not applicable".

In **Sunitha and others V. Rajasthan State Road Transport Corporation and another**[4] Hon'ble Supreme Court held that:

"it is settled that in motor vehicle accident claim cases, once the foundational fact, namely, the actual occurrence of the accident, has been established, the Tribunal's role would be to calculate the quantum of just compensation, if the accident had taken place by reason of negligence of the driver of motor vehicle and while doing so, the Tribunal would not be strictly bound by pleadings of the parties".

In **ICICI Lombard General Insurance Co. Ltd Versus Rajani Sahoo & Ors** (SLP (C) No. 29302 of 2019 dated 02.01.2025) the Hon'ble Supreme Court held that:

"Thus, there can be no dispute with respect to the position that the question regarding negligence which is essential for passing an award in a motor vehicle accident claim should be considered based on the evidence available before the Tribunal. If the police records are available before the Tribunal, taking note of the purpose of the Act it cannot be said that looking into such documents for the aforesaid purpose is impermissible or inadmissible".

16. As per Ex.A2, the charge sheet, it is categorically concluded that the accident occurred solely due to the rash and negligent driving of the first respondent. On perusal of the material on record and in view of the citations referred supra, this

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[1] (2009) 13 SC 530
[2] 2001 ACJ 421 SC
[3] 2009 ACJ 287
[4] Civil Appeal No. 1665 of 2019 decided on 14.02.2019

Tribunal holds that the petitioners have established that the death of deceased-Revanth Raju, was on account of rash and negligent act on the part of the driver of the crime vehicle lorry bearing No.TS-07-UN-2269 and deceased sustained injuries due to the accident.

17. As per the settled principles of law, three factors are to be determined where the death of the deceased occurred in motor vehicle accident and such aspects are 1) the Age of the deceased, ii) Income of the deceased and iii) Number of dependents of the deceased. Once these factors are ascertained, it will fall as a necessary corollary to determine the quantum of compensation on the basis of mathematical calculations. The petitioners have filed the present petition claiming compensation of Rs.15,00,000/- along with future interest @ 12% per annum and costs.

Age and Income of the deceased:

18. According to the petitioners, the deceased Revanth Raju was aged about 15 years. In support of their case Pw1 has not filed any proof of document, as such, this court is considered the age as per PME Report under Ex.A3. As per the Postmortem Examination Report(Ex.A3), the age of the deceased is mentioned as 15 year as on the date of accident. As such, the age of the deceased at the time of accident is 15 years. Considering the undisputed material on record, this Tribunal considers the age of the deceased as 15 years as on the date of accident, for the purpose of fixing compensation, which is not disputed by the respondents.

19. In **R.K. Malik & Anr vs Kiran Pal & Ors (AIR 2009 SUPREME COURT 2506)** the Hon'ble Supreme Court has emphasized that even though the child was not earning, the compensation should not be nominal but must reflect the loss of lift and the impact on the family and the relevant portion of the order reads as under:

"However, no amount of compensation can restore the lost limb or the experience of pain and suffering due to loss of life. Loss of a child, life or a limb can never be eliminated or ameliorated completely. To put it simply-pecuniary damages cannot

replace a human life or limb lost. Therefore, in addition to the pecuniary losses, the law recognises that payment should also be made for non pecuniary losses on account of, loss of happiness, pain, suffering and expectancy of life etc. The Act provides for payment of "just compensation" vide section 166 and 168. It is left to the Courts to decide what would be "just compensation" in facts of a case.

20. Considering the available evidence on record and minimum wages, this Tribunal holds that the age of the deceased as 15 years and his income as Rs.8,000/- per month, which comes to Rs.96,000/- per annum as on the date of accident, for the purpose of fixing compensation.

21. The monthly income of deceased is considered as Rs.8,000/- per month. On applying the principles as laid down in the case of **Sarala Verma V. DTC** and **National Insurance Company Ltd., V. Pranay Sethi and others**, since the deceased was aged about 15 years, there should be addition of 40% of income towards future prospects, i.e.**Rs.1,34,400/-** per annum (Rs.96000/- + Rs.38400[40%]).

22. Since the deceased was a unmarried, 50% of earning income has to be deducted towards personal expenses and applying the appropriate multiplier (18) taking into consideration the age of the deceased, the total loss of dependency comes to **Rs.12,09,600/-**[**Rs.1,34,400/-** [-] Rs.67200/- (50% personal expenses) = **Rs.67,200/-**x **18**]. Therefore, the petitioners are entitled to claim **Rs.12,09,600/-** under the head of loss of dependency and future prospects.

23. The Hon'ble Supreme Court of India in the matter of **National Insurance Company Ltd., Vs Pranay Sethi and others**[5], wherein their lordships held that while awarding compensation, the Tribunal has to award reasonable figures on the conventional heads namely loss of estate, loss of consortium and funeral expenses at Rs.15,000/-, Rs.40,000/- and Rs.15,000/-. As such, this tribunal has to award an amount of **Rs.15,000/-** towards loss of estate, and an amount of **Rs.15,000/-** towards

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[5] (2017) 16 SCC 680

funeral expenses. The petitioner No.1 and 2 being parents of deceased are entitled for Rs.40,000/- each towards loss of love and affection of their deceased-son, as per the principles laid down in **M.Mansoor and another V. United India Insurance Co. Ltd.** in total Rs.80,000/- towards love and affection.

The petitioners are entitled for total compensation as under:

1	Towards Loss of Dependency	:	**Rs.12,09,600/-**
2	Towards Loss of Estate	:	Rs.15,000-00
3	Towards Funeral Expenses	:	Rs.15,000-00
4	Towards love and affection	:	Rs.80,00-00
	Total	:	**Rs.13,19,600/-**

The claim petitioners are entitled to claim a total compensation of **Rs.13,19,600/-**

Apportionment:

Sl. No.	To whom	Amount
1.	1st petitioner (father)	**Rs.6,59,800/-**
2.	2nd petitioner (mother)	**Rs.6,59,800/-**

ISSUE Nos.2 and 3:

24. It is the contention of the learned counsel for respondent that the deceased drove the motor cycle in a rash and negligent manner without having valid driving license and there are three members in the said motor cycle, which is violated the terms of the insurance policy. The petition is not maintainable as the owner and insurer of the motor cycle Hero Honda shine chasis No.ME-4JC85-JJPD051484 and owner and insurance company of the Bajaj City 100 motor cycle were not made as party to this petition. Hence, this insurance/R3 company is not liable to pay any compensation.

25. It is the evidence of RW1 that the driver of the motor cycle/ deceased in a rash and negligent manner with high speed without having wearing helmet and without observing proceeding vehicles on the road and meanwhile the Lorry bearing No.TS-07-UN-2269 came and ran over the deceased, resulting his death and that the petition is bad for non-joinder of necessary parties to the claim-petition.

26. On perusal of Ex.A2, which is the charge sheet filed by the concerned police, clearly discloses that the investigating agency, upon completion of investigation, concluded that the respondent No.1 was at fault. It is specifically alleged therein that the respondent No.1 negligently drove his Lorry in a rash and negligent manner with high speed and dashed against the motor cycle of the claim-petitioner.

27. The charge sheet categorically attributes the cause of the accident to the rash and negligent driving of the driver of the Lorry i.e.,Respondent No.1. Such conduct, being contrary to the duty of care expected of a prudent driver, created an obstruction and posed a foreseeable risk to oncoming traffic. Consequently, it is evident from Ex.A2 that the accident occurred solely on account of rash driving of the respondent No.1. Accordingly these issues are answered in favour of claim-petitioner and against the respondent.

28. It is pertinent to mention here that our Hon'ble High Court in the case between Kumari K.Pushpa Latha v. Bugga Sathyamma decided on 01.11.2012, wherein it was held that,

Section 128(1) of the Act is an independent provision under the Motor Vehicles Act and is not one which is in Chapter XII of the Motor Vehicles Act, 1988 dealing with Claims Tribunals. Violation of safety measures provided under Section 128(1) of the Act may result in challaning or charge sheeting rider of the motor cycle and imposing penalty on him/her. Violation of Section 128(1) of the Act cannot be ipso facto taken as a mitigating factor in determining quantum of compensation payable to an injured or dependants of the deceased in a motor accident case. Whether there was triple riding or not, in case there is no negligence on the part of two wheeler rider, then it cannot be a mitigating factor for disallowing certain percentage of compensation towards contributory negligence on the part of the motor cycle rider. It all depends upon facts and circumstances of that case and evidence let in by the parties in that case. This Court intends to make it clear that violation of safety measures contained either in Section 128(1) of the Act or in any other provision cannot be taken into consideration to disallow compensation payable for an injured or dependants of the deceased in a motor accident case or any part thereof.

In this case, except there being evidence of triple riding of motor cycle, there is no further evidence to show that motor cycle rider was riding the motor cycle in a hap-hazard manner in order to contribute negligence for this accident. The fact that lorry bearing No.TS-07-UN-2269 was being driven in rash and negligent manner with high speed and ran over the rider and one of the pillion rider and the claim petitioner sustained injuries in that accident Maruti Car. This undoubtedly shows that the lorry driver was at fault and the accident is the result of rash and negligent driving of the lorry driver solely and the motor cycle rider did not contribute any negligence for this accident. Therefore, in my opinion, the lower Tribunal came to an erroneous conclusion that the motor cycle also contributed negligence for this accident on the mere fact that there was triple riding on the motor cycle. The lower Tribunal erred in disallowing 50% of the compensation payable to both the appellants.

Guided by the above judgment of the Hon'ble High Court for the State of Telangana, the insurance company of the offending vehicle is still liable to pay compensation, even if the injured persons were triple-riding violating Section 128 (1) of the M.V.Act. It is consistently held by various Hon'ble High Courts and Hon'ble Apex Court that the fact of triple-riding does not absolve the insurer of its liability, as long as a valid insurance policy was in force at the time of the accident. Admittedly, the insurance company is responsible for paying compensation to third parties deceased/injured by the insured vehicle, as third-party insurance is mandatory and covers the legal liability for bodily injury or death. Further, the Hon'ble High Court for the State of Telangana has ruled that triple-riding on a motorcycle, by itself, does not automatically exempt the insurance company from its liability. The insurance company would need to prove that triple-riding was the sole cause of the accident to escape liability, which is a difficult burden to meet. In fact, Ex.A2 is filed after full-fledged investigation, wherein the respondent No.1 was charge sheeted for the offence under Section 106(1), 125(a) of BNS, finding that respondent No.1 is the sole cause for the accident caused by the offending vehicle, but not the number of people on the other motor cycle by which the claim petitioner was proceeding. Therefore, respondent Nos.1 to 3 are jointly, severally and vicariously liable to pay the compensation to the claim petitioner. Accordingly, this issue is answered.

29. ***Liability :*** According to the petitioner, first respondent is the driver second respondent is the owner and third respondent is the Insurer of the crime vehicle lorry bearing No. TS-07-UN-2269. Admittedly, Respondent Nos.1 and 2 not entered into witness box, but on behalf of Respondent No.2, Rw.1 was examined and Ex.B1 is marked.

30. On behalf of the 2nd respondent, the Sr.Manager (Legal) was examined as RW1. He deposed that the insurance policy under Ex.B1 vide policy No.551702312410000605 valid from 24.07.2024 to 23.07.2025 to cover the lorry bearing no. TS-07-UN-2269, during the cross-examination it is admitted by RW1 that as on the date of accident the insurance policy was in force. It is also admitted by RW1 that as on the date of alleged accident, R1 is having valid driving license. His evidence is also nothing but replica of their counter.

31. RW.1 further deposed that, at the time of the accident, the rider of the offending motorcycle was not holding a valid driving licence, was not wearing a helmet, and was carrying two pillion riders (triple riding). RW.1 also stated that PW.2 admitted that the accident occurred due to the negligent riding of the motorcycle. However, a perusal of Ex.A1 and Ex.A2 reveals that the accident in fact occurred due to negligent driving of the driver of the Lorry, he drove the said lorry without taking necessary precautions. The contention of RW.1 is not tenable.

32. On perusal of policy copy/Ex.B1, the respondent No.3 issued policy 551702312410000605 valid from 24.07.2024 to 23.07.2025 to cover the lorry bearing no. TS-07-UN-2269 and the said policy was in force as on the date of alleged accident. Since it is clearly established that the accident was occurred on 15.10.2024 rash and negligent act of driver of crime vehicle- lorry bearing no. TS-07-UN-2269, and the Respondent No.1 is the driver, 2nd respondent, 3rd respondent is the Insurer of the Crime vehicle. Hence, all the Respondents are jointly and severally liable to pay compensation to the petitioner.

33. ***Rate of interest:*** The petitioners are claiming interest @ 12% per annum. **A**s per the principles, laid by the Hon'ble Supreme Court in Supe Dei (smt) and others v. National Insurance Company Limited [(2009) 4 SCC 513] confirming the judgment in Kaushnuma Begum v. New India Assurance Co.Ltd [(2001) 2 SCC 9] held that in motor accident cases interest at 9% is appropriate. 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. Therefore, following the rulings of the Hon'ble Supreme Court, 9% interest per annum can be awarded from the date of filing of the petition till the date of realization. Accordingly, this issue is answered in favour of the petitioner and against the respondents.

34. **<u>ISSUE No.5:</u>** In view of findings and conclusions on the above issues, the petitioners are entitled for compensation from the respondents. Accordingly, this issue is answered.

RESULT:

(i) **IN THE RESULT,**

The petition is partly allowed by awarding a total compensation of **Rs.13,19,600/- (Rupees thirteen lakhs nineteen thousand six hundred only)** with proportionate costs against the respondents and they are jointly and severally liable to pay the same, with subsequent interest @ 9% per annum from the date of filing of the petition till the date of deposit of the amount;

ii) The Respondent No.2 is directed to pay the awarded amount to the petitioner within **TWO** months from the date of this award.

iii) The claim-petitioner Nos.1 and 2 (Parents of the deceased) are entitled an amount of **Rs.6,59,800/- each** towards their share amount and the are permitted to withdraw theri respective share amounts along with proportionate costs and interest.

iv) The Advocate fee is fixed at Rs.3,000/- (Rupees three thousand only).

Typed to my dictation, corrected and pronounced by me in Open Court, this the 15th day of May, 2026.

Chairman
Motor Accidents Claims Tribunal -cum-
V Additional District Judge,
Khammam

-<u>APPENDIX OF EVIDENCE</u>-
WITNESSES EXAMINED FOR

<u>Claim Petitioners</u> :

P.W.1 :Chinthalapudi Shankar Rao

Respondents :

RW.1 : Daripelli Rama Krishna

EXHIBITS MARKED FOR

Claim Petitioners:

Ex.A1:	CC of FIR in Cr.No.96/2024 of PS Cherla U/Sec.106(1), 125(a) BNS along with Telugu report dt:16.10.2024
Ex.A2:	CC of Charge sheet in CC No.809/2024 on the file of Addl.JFCM, Bhadrachalam dt:29.11.2024
Ex.A3:	CC of PME report dt:16.10.2024
Ex.A4:	CC of inquest report Dt:16.10.2024

For Respondents:

Ex.B1	CC of insurance Poicy No.551702312410000605 valid from 24.07.2024 to 23.07.2025 for Goods Carrying vehicle -Package polcy in favour of Jenigal Narasimha *R2*/owner.

Sreenaiah 15/5

Chairman
Motor Accidents Claims Tribunal -cum-
V Additional District Judge, Khammam