

**BEFORE THE MOTOR ACCIDENTS CLAIMS TRIBUNAL-CUM-III ADDITIONAL
DISTRICT COURT:: WEST GODAVARI :: BHMAVARAM**

Present: Dr.B.Lakshmi Narayana,
Special Judge for Speedy Trial of Offences under POSSO Act, 2012,
Bhimavaram,
FAC.III Additional District Judge, Bhimavaram

Thursday the 8th day of January,2026

M.V.O.P. No. 44 of 2025

Between:

1. Naraharasetty Lakshmi Durga
2. Naraharasetty Kusuma Venkata Naga Durga Rahul
3. Naraharasetti Teja Durga Pavan
- 4.Naraharasetti Padma
5. Naraharasetti Dharmaraju

(Petitioners 2 and 3 being minors they are represented by her mother as natural guardian i.e., 1st petitioner

.....Petitioners

And

1. Devarapu Rambabu
2. Surabathula Rajesh
3. The Claim Manager, The Chola-MS General Insurance Co..Ltd.

....Respondents

This petition coming before me on this day for final hearing in the presence of Sri N.V.V.Satyanarayana and Sri Nimmala Naveen, Advocates for petitioners and respondents remained *ex parte* and the matter having stood over for consideration till this day the Tribunal made the following

ORDER

This petition is filed by the petitioners under Section 455 of M.V. Act Rules compensation amount of Rs.67,00,000/- on account of the death of the deceased by name Naraharasetty Ratala Raju, in the accident which was occurred on 2.9.2021 and for costs.

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

The deceased Naraharasetty Ratala Raju S/o Dharmaraju, aged about 28 years and he is hale and healthy person by the date of accident. He was eking his livelihood by working as Mason and earning monthly income of Rs.30,000/-. The 1st petitioner is the wife of the deceased and 2nd and 3rd petitioners are minor sons of the deceased and 4th and 5th petitioners are the parents of the deceased. The deceased was the only earning member of the family by the time of the accident. After the death of her husband the petitioner shifted to her parents home at Dirusumarru village, Bhimavaram Mandal for eking of their livelihood.

On 02.09.2021 morning 10.00 A.M the Deceased Naraharasetty Ratala Raju along with his sister Yadlapalli Lakshmi started from their house on motorcycle bearing No: AP 29 N 2566 and proceeding toward Pamulaparru village of Undi Mandal for the purpose of purchasing cattle. At about 12.00 Noon when they reached near Alapadu village on Nh-216, the 1st respondent i.e, the driver of Van Bearing No: AP 39 V 1664 drove his vehicle in a rash and negligent manner and without blowing horn and applying brakes dashed the deceased travelling motorcycle in opposite direction. As a result the deceased Naraharasetty Ratala Raju and his sister fell down on the road. Ratala Raju died on the spot due to the grievous injuries sustained by him. His sister also sustained grievous fracture injuries to her right forearm The cause of accident was only due to the rash and negligent driving of the 1st respondent.

The 1st respondent is the driver and 2nd respondent is owner of Ashok Layland Mini Van bearing No. TS 13 UC 5501 and the 3rd respondent is insurer. There are no other legal heirs to the deceased except the petitioners, 3rd and 4th respondents. Hence all the respondents are severally and jointly liable to pay the compensation amount to the petitioner. Hence the petition.

3. The respondents 1 to 3 are remained exparte.

4. During the course of enquiry, 1st Petitioner was examined as P.W1 and also examined P.W.2 and Exs.A1 to Ex.A-6 are marked on behalf of petitioners.

5. Now the point for determination is:

Whether the deceased Naraharasetty Ratala Raju was died due to accident and the said accident was occurred due to rash and negligent driving of Crime Vehicle of 1st respondent and the petitioners are entitled to get compensation from respondents?

6. POINT:

To prove the petitioners case, the 1st petitioner was examined as P.W.1. It is not in dispute that the deceased/ Naraharasetty Ratala Raju is her husband who died in the fateful accident that occurred on 2.9.2021. She reiterated the petition averments as her examination in chief. She filed Ex.A-1 Attested Copy of First Information Report in Crime No.167/2021 of Kaikalulru Rural Police Station , Ex.A-2 is the attested copy of Altered memo for First Information Report, Ex.A-3 is attested copy of Post Mortem report, Ex.A-4 is attested copy of Inquest report, Ex.A-5 is the attested copy of Motor Vehicles Inspection Report, Ex.A-6 is the attested copy of Charge Sheet.

7. P.W.2, who is eye witness to the accident and also sustained injuries in the said accident. She deposed that on 2.9.2021 morning 10-00 A.M., she along with her brother Naraharasetti Ratala Raju started from their house on motor cycle bearing No.AP 29 N 2566 and proceeding toward Pamulaparru village of Undi Mandal for the purpose of purchasing cattle. At about 12-00 Noon when they reached near Alapadu village on Nh-216, the 1st respondent i.e., the driver of Van bearing No. AP 39 V 1664 drove his vehicle in a rash and negligent manner and without blowing horn and applying brakes dashed their motor cycle in opposite direction. As a result, his brother Naraharasetty Ratala Raju and herself fell down on the road. Ratala Raju died on the spot due to grievous injuries sustained by him. He sustained grievous fracture injuries to her right forearm. The cause of accident was only due to the rash and negligent driving of the 1st respondent. She was L.W.1 in the Charge Sheet and present at the time of inquest.

8. The petitioners pleaded that the deceased Naraharasetty Ratala Raju is aged about 28 years and he is hale and healthy by eking his livelihood by doing mason and earning monthly income of Rs.30,000/- per month at the time of

accident. On perusal of Ex.A3 postmortem certificate Ex.A4 inquest report and in Ex.A5 charge sheet the age of the deceased is mentioned as 30 years. We have already observed, respondents 1 to 3 not come forward to deny the petitioners pleadings and claim. As such, age of the deceased is undisputed fact. Hence, this Tribunal safely can consider the age of the deceased as 30 years.

9. Coming to the earning capacity of the deceased Naraharasetty Ratala Raju, P.W.1 stated in her examination in chief that the deceased was eking livelihood by working as Mason and earning monthly income of Rs.30,000/- and he was only earning member of the family, , but for that not filed any certificate before the court for perusal. P.W.1 pleaded in her examination in chief the deceased is doing Mason work and earning monthly income of Rs.30,000/- per month at the time of accident, for that also not filed any piece of paper. However, this court taken deceased is unskilled labour and fixed an amount of Rs.624/- per day, which was decided by the District Magistrate towards wages of unskilled labour. The minimum working days in a month are 25 days after excluding Sundays and Holidays etc., On considering the age and as well as electrician and plumbing work we can notionally fixed at Rs.15,600/- per month.

10. As per the 2nd schedule, the multiplier applicable for the age group for the deceased is 26 to 30 is '17'. As per the record, the deceased is aged about 30 and the multiplier applicable is also '17'.

11. The Hon'ble Supreme Court in a case of **Smt.Sarala Varma and others vs. Delhi Transport Corporation and another** laid down certain principles as regards the deduction of personal expenses from the monthly income. The Hon'ble Supreme Court in this regard held that deduction towards personal and living expenses of the deceased should be 1/3rd where the number of dependent family members are 2 to 3, 1/4th where number of dependant family members are 4 to 6 and 1/5th where the number of dependents family members are 4 to 6 and 1/5th where the number of dependants family members are more than 4. Here, the dependants are no other than the petitioners who are two in number. So, the 1/5th of the annual income of the deceased is liable to be deducted towards his personal

expenditure. The annual income of the deceased comes to **Rs.1,87,200/-**, hence the compensation payable to the petitioners under the head of loss of future earnings comes to **Rs.1,49,760/-** and $\frac{1}{5}$ th of the income shall be deducted towards personal expenditure of the deceased and $\frac{4}{5}$ th of the same shall be taken as the contribution of the family, therefore **Rs.1,49,760/-** to the family of the deceased, hence the compensation payable to the petitioners 1 to 5 under the head of loss of future earning and dependency $\text{Rs.1,49,760/-} \times 17 = \text{Rs.25,45,920/-}$, therefore the said amount can be awarded to the petitioners 1 to 5 under the head of Loss of Future earnings.

12. This Tribunal is of view that the following amounts under convention heads; loss to estate, loss of consortium and funeral expenses can be awarded **Rs.15,000/-**, **Rs.40,000/-** and **Rs.15,000/-** respectively. This Court is also view that an amount of **Rs.15,000/-** can be awarded under the head of loss of love and affection towards her children and husband this Court finds that an amount of **Rs.10,000/-** can be awarded towards Transportation Charges.

13. In view of the reasons stated above, the entitlement of the petitioners for compensation under various heads can be calculated as follows;

i) Loss of Earnings	:	Rs. 25,45,920-00
ii) Loss of estate	:	Rs. 15,000-00
iv) Loss of consortium	:	Rs. 40,000-00
v) Funeral expenses	:	Rs. 15,000-00
vi) Loss of love and affection	:	Rs. 15,000-00
vi) Transportation Charges	:	Rs. 10,000-00
Total		Rs. 26,40,920-00

14. It is settled law that the rate of interest prevailing in Nationalized Banks shall be taken into consideration. The rate of interest on fixed deposits vary depending on the period of deposit. Therefore, on an average, 7.5% of interest can be taken as appropriate in the present case. Therefore, the petitioners are entitled to interest amount @ 7.5% per annum on the principal amount of compensation from the date of petition till the date of realization.

15. **In the result**, the petition is allowed in awarding compensation amount of **Rs.26,40,920/-(Rupees Twenty six Lakhs forty thousand and nine hundred and twenty only)** with proportionate costs to the petitioners 1 to 5 with interest at 7.5% per annum from the date of filing of the petition till the date of realization.

(a) The respondents 1 to 3 are jointly and severally liable to pay the said compensation amount to the petitioners.

(b) The petitioners 1 to 5 shall submit their bank account details within 10 days from the date of this Order to this court.

(c) The 3rd respondent being the insurer is directed to deposit the said compensation amount within two months from the date of this Order, directly payable to the respective Bank accounts of the petitioners 1 to 5 .

(d) On such deposit, the 1st petitioner is entitled for Rs.7,40,920/-; the petitioners 2 and 3 are entitled for Rs.5,00,000/- each and Petitioners 4 and 5 are entitled Rs.4,50,000/- each with proportionate interest and entire costs of this litigation.

(e) The 1st petitioner is permitted to withdraw an amount of Rs.5,40,920/- with proportionate interest and costs and the balance of Rs.2,00,000/- shall be kept in the fixed deposit in her Bank account for a period of one year and proof (FDR) of the same shall be filed before this court

(f) The petitioners 2 and 3 being minors, the amount awarded to them shall be kept in the fixed deposit in their Bank account till they attain majority.

(g) The 4th petitioner is permitted to withdraw an amount of Rs.3,50,000/- with proportionate interest and the balance of Rs.1,00,000/- shall be kept in the fixed deposit in her Bank account for a period of one year and proof (FDR) of the same shall be filed before this court

(h) The 5th petitioner is permitted to withdraw an amount of Rs.3,50,000/- with proportionate interest and the balance of Rs.1,00,000/- shall be kept in the fixed deposit in her Bank account for a period of one year and proof (FDR) of the same shall be filed before this court

- (i). The petitioners are directed to pay court fee for the excess amount granted by this Tribunal.
- (j) The decree will be prepared after payment of required court fee;
- (k) The decree will be supplied to the petitioners after verification by Office as to payment of Court fee and exemption if any, sought at the time of filing of this case and on clearance of Court fee dues if any and also filed bank account particulars of petitioners.
- (l) The Advocate fee is fixed at Rs.10,000/-.

Dictated to the Stenographer Grade-I, typed by her, corrected and pronounced by me in the open Court, this the 8th day of January, 2026.

Sd/- Dr. B.Lakshminarayana
Special Judge for Speedy Trial of
Offences under POCSO Act, 2012,
Bhimavaram,
CHAIRMAN,
MOTOR ACCIDENTS CLAIMS TRIBUNAL-
CUM- III ADDITIONAL DISTRICT JUDGE,
WEST GODAVARI, BHIMAVARAM

APENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PETITIONER:

FOR RESPONDENTS:

P.W.1 : Naraharasetti Lakshmi Durga

None

P.W.2 : Yadlapalli Lakshmi

DOCUMENTS MARKED

FOR PETITIONER:

Ex.P-1/Dt.--	Attested copy of FI.R in Crime No.167/2021 of Kaikaluru Rural Police Station
Ex.P-2/Dt.--	Attested copy of Altered Memo.
Ex.P-3/Dt.--	Attested copy of postmortem Certificate
Ex.P-4/Dt.--	Attested copy of inquest report

Ex.P-5/Dt.--	Certified copy of M.V.I. report
Ex.P-6/Dt.--	Attested copy of charge sheet

FOR RESPONDENTS: NIL.

Sd/- Dr. B.Lakshminarayana

Special Judge for Speedy Trial of Offences
under POSSO Act, 2012, Bhimavaram,
CHAIRMAN,
FAC.MOTOR ACCIDENTS CLAIMS
TRIBUNAL-CUM-III ADDITIONAL
DISTRICT JUDGE, WEST GODAVARI,
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