

**BEFORE THE MOTOR ACCIDENT CLAIMS TRIBUNAL CUM
III ADDITIONAL CHIEF JUDGE: CITY CIVIL COURT :AT
HYDERABAD**

Tuesday, this the 10th day of March, 2026.

**Present : Sri Bakaraju Srinivas Rao,
III Addl. Chief Judge,
City Civil Court, Hyderabad**

M.V.O.P. No.2004 of 2023

Between:

Bhuthali Anil, S/o. Bhuthali Thulasiram,
Age: 29 years Occupation: Sales Executive,
R/o.1-46, Damargiddapm Gramam, Kangti Mandal,
Bhanswada, Medak,Telangana-502287.

...Petitioner.

AND

1. Sunitha Kale, W/o. K Venkatesh,
Age: Major, Occupation: Owner of the crime vehicle
bearing No. TS07FN6078, R/o. Plot No. 20,
Padmaja Colony, near Reddy Colony, Road No.1,
Chandanagar, Telangana-500050.
2. Kale Sai Krishna, S/o. K. Venkatesh,
Age: Major, Occupation: Driver of the crime vehicle
bearing No. TS07FN6078, R/o. Plot No. 20,
Padmaja Colony near Reddy Colony, Road No.1,
Chandanagar, Telangana-500050.
3. Liberty General Insurance,
Represented by its Manager(TP cell),
R/o.6-3-885/7, 3rd floor, Sapphire Square,
Rajiv Gandhi Circle, Panjagutta,
Hyderabad-500082,

Policy No. 201150010123800172100000
(valid from 23-06-2023 to 22-06-2024)

...Respondents

This petition is coming before me for final hearing on 17-02-2026 in the presence of **Sri Goli Gopal Reddy**, Advocate for Petitioner and of **Sri G. Prasanna Anjaneyulu**, Advocate for Respondents No.1 and 2 and **Sri V. Vinod**, Advocate for Respondent No.3, and the matter having been heard and stood over for consideration till this day, this Court delivered the following:

:: O R D E R ::

1. The Petitioner filed the present petition against Respondents No.1 to 3 under Sec.166 of M.V. Act R/w Sec.163-A and 140(C) of M.V. Act seeking compensation of Rs.15,00,000/- with costs and interest of 12% per annum from the date of filing petition till date of realization.

2. The contents of the petition are that on 01-08-2022 at 2.40 hours the petitioner with his friends by name Swarup and Suman were standing over foot over bridge at Madinaguda near Croma Store. Thereafter, one Hyundai i10 car vide TS07FN6078 drove by its driver from Chadanager to Miyapur in a rash and negligent manner hit the petitioner and his friends and fled away, due to which, they received grievous injuries. Immediately, they were shifted to Archana Hospital and duty doctor around 5.45 hours declared friend of petitioner by name Gopinidi Venkat Swarup as dead and petitioner and other friends were undergoing treatment. The petitioner received injuries on face, chin, right thigh, pelvis etc and petitioner spent more than Rs.50,000/- for his treatment. The Police, Miyapur registered a case in Crime

No.866/2023 under Sec.337 IPC against the driver of the car vide TS07FN6078. The petitioner was advised for bed rest of 6 months due to severe bleeding injuries and he is not able to walk and stand and became dependant on his parents. Before accident, petitioner used to earn more than Rs.15,000/- per month as Sales Executive and his earning decreased due to the accident. He stated that Respondent No.1 is the owner, Respondent No.2 is the rider and Respondent No.3 is the insurer who are jointly and severally liable to pay the said amount and prayed to allow the petition.

3. It is seen that Respondents No.1 and 2 filed counter denying the allegations made in the petition and admitted that Respondent No.1 is the owner and Respondent No.2 is the Driver of crime vehicle i.e., Hyundai i10 Car bearing No. TS 07FN 6078 and denied that on 01-08-2022 at 2.40 hours the petitioner along with his friends was standing at the footover bridge in Madinaguda near Croma store and that the Respondent No.2 drove the car No.TS 07 FN 6078 at high speed in a rash and negligent manner and hit to the petitioner and his friends and fled away from the spot and stated that Respondent No.2 was driving the car duly following rules, but in fact the petitioner and his friends all of a sudden came on to the road in front of the car and were hit and the petitioner is put to strict proof of the injuries suffered by him and denied that the accident occurred due to negligent driving

of Respondent No.3 and the petitioner is put to strict proof of the same and stated that the police, P.S., Miyapur registered a case in Cr.No.866/2023 under Sec.337 IPC against the Respondent No.2 and stated that the car involved in the accident was insured with Respondent No.3 vide policy No.201150010123800172100000 which is valid from 23.06.2023 to 22-06-2024 and stated that as per the terms and conditions of the said policy, the 3rd Respondent is liable to pay any claim or compensation against the said policy and prayed to dismiss the above O.P against Respondent Nos. 1 and 2.

4. Respondent No.3 filed counter denying all the material allegations made in the petition and stated that the petition is not maintainable in law against respondent No.3 and the petition is liable to be dismissed in limini with costs and stated that as per the contents of FIR and police paper, one unknown vehicle dashed to the petitioner and stated that the alleged accident occurred due negligence on the part of the driver of the unknown vehicle and so in these facts and circumstances, the provision of Hit and run case will be come into picture i.e., sections 161 and 163 of the Motor Vehicles Act, which is specially incorporated for compensation in case of "Hit and Run Accident" and stated that this Tribunal has no jurisdiction to decide this petition and the petition filed by the petitioner under Sections 166 and 140 of the Motor Vehicles Act, is not maintainable and the same is liable to be dismissed, without

going into the merits of the petition and stated that as per the Motor Vehicle Act, special provisions are made for Hit and Run cases and are required to be governed by those provision only and stated that in view of provision of M.V. Act, the jurisdiction of Hit and Run cases lies with the authority as prescribed by Central Government U/S. 161 and 163 and as such is requires to be instituted therewith and stated that this Hon'ble court does not have Jurisdiction to try and entertain this application. Respondent No.3 further stated that as per the averments of the crime records that the petitioner was standing on the middle of the road in a negligent manner and he himself contributed for the alleged accident and there is no involvement of Car bearing No. TS 07 FN 6078, if petitioner would have taken proper and cautions care, that there would not have been any accident resulting injuries to petitioner, as such there is higher degree of contribution on the part of petitioner in occurrence of the alleged accident and his negligent may be considered in to greater extent, and the petitioner is not entitled for any compensation and the claim petition may dismissed against Respondent No.3 on this ground only and denied the involvement of the alleged Car bearing No. TS 07 FN 6078 and the alleged rash and negligent driving by its driver at the time of alleged accident and stated that the alleged insured vehicle is falsely implicated in the case, and the petitioner is put to strict proof of the involvement

of the alleged insured vehicle in the alleged accident. Respondent No.3 further denied that P.S. Miyapur of Cyberabad District registered a case in crime No. 866/2023, U/Sec 304(A), 337 of IPC & 184 of M.V. Act, in respect of the alleged accident against the driver of Car bearing No. TS 07 FN 6078 and the petitioner is put to strict proof of the same with documentary evidence and denied the date of alleged accident occurred on 01-08-2023 about 2:40 hours, manner of the accident, petitioner and others receiving grievous injuries all over the body, shifting the petitioner to Archana Hospital for treatment, incurred an amount of Rs. 50,000/- towards treatment and the petitioner is put to strict proof of the same with documentary evidence and stated that the alleged accident is caused due to the sole negligence on the part of the petitioner only, and there is no involvement of the alleged Car bearing No. TS 07 FN 6078 and stated that the petitioner filed the present petition in collusion with other respondent and the Respondent No.3 is not liable to pay any compensation. Respondent No.3 denied that the driver of the alleged vehicle was having a valid driving license as required under section 3 of M.V. Act and the owner/Respondent No.3 having fully acquainted with the said facts handed over to driver/Respondent No.2 who driven the vehicle in violation of the provisions of M.V Act and the respondent No.3 company is not liable to pay the compensation and denied the age, income and occupation of

the petitioner at the time of accident and stated that the petitioner is entitled for compensation of Rs.14,50,000/- under the heads of Special damages and Rs.50,000/- under heads of general damages and claiming of compensation by the petitioner under all heads is highly excessive and stated that owner of the crime vehicle/1st respondent was not complied with statutory demand as required under Sec.134© of M.V. Act and stated that concerned police officials failed to forward all the relevant documents to the concerned insurer and not complied with the statutory demand as required under sec. 158 (6) of M. V Act, 1988 and stated that Respondent No.1 has not issued any notice about the alleged accident to Respondent No.3 and Respondent No.3 is at liberty to take all the defenses under section 170(b) of M.V. Act, besides the defenses u/s 147 and 149 of M.V. Act and stated that the petitioner is not entitled for any interest whatsoever for the period of delay caused by petitioner in furnishing the documents pertaining to the case or any other required documents and the period of any delay which was not caused by Respondent No.3 or were beyond the control of Respondent No.3 must be excluded from payment/levy of interest and stated that the petitioner is claiming interest @ 12% and same is contrary to Sec.3 of Interest Act, 1978 and the observations of the various judgment of the Hon'ble Apex Court and stated that the compensation determined by the tribunal is not a debt and interest

required to be charged in accordance with the Section 34 of CPC and the combined reading of section 149(1), 171 & section 34 of CPC, interest on the compensation amount cannot be awarded more than 6% and even it can be lesser than 6% and if the Hon'ble Tribunal came to conclusion then, interest cannot be levied more than 6% in the light of SCC of Beson Gerorge V/s. Reliance General Insurance Co. Ltd 2022 and stated that the compensation granted on account of forthcoming prospects should be excluded from the interest penalty and Respondent No.3 is relying on the judgment of Hon'ble Apex Court in **RD Hattangadi Vs. Pest Control India Pvt. Ltd & (ii) Managing Director, Karnataka Vs. Geetha** and stated that there shall be no liability on account of 'Interest' beyond section 34 of Civil Procedure Code, 1908, which is a central legislation and supersede all the state rules and stated that the petitioner is not entitled to claim any interest on the voluntary adjournments obtained by the petitioner side and any interests payable on those days should be waived as those adjournments are taken for their own convenience and their comfort and they are not entitled for any interest during those time in case of any liability saddled on Respondent No.3 and the interest portion for the same should be waived and stated that bank account details of MACT shall be mentioned in award itself in order to comply with the directions of Hon'ble Supreme Court and stated that in view of the

orders of the Supreme Court and stated that the amount of compensation claimed by the petitioner with interest and costs is more excessive and prayed to dismiss the petition with exemplary costs against Respondent No.3.

5. Basing on the above pleadings, the following issues are framed:

1. Whether the petitioner has sustained grievous injuries in a road accident on 01-08-2022 at about 2.40 hours, near Foot over bridge, Madinaguda near Croma Store, while he along with his friends were standing at foot over bridge of Madinaguda, due to the rash and negligent driving of the of Car bearing No.TS 07 FN6078?
2. Whether the petitioner is entitled to seek compensation on account of injuries sustained in the motor vehicle accident, it is, to what amount and who is liable to pay?
3. To what relief?

6. It is seen that petitioner got examined himself as PW.1 and marked Exs.A1 to A4 and also examined PW.2. Ex.A1 is Certified copy of FIR No.866 of 2023 dt: 01-08-2023 along with complaint. Ex.A2 is Certified copy of Charge sheet. Ex.A3 is Original Discharge summary of Archana Hospitals, dt: 05-08-2023. Ex.A4 is Original Disability Certificate.

7. It is seen that Respondents did not adduce any evidence and Ex.B1 Attested copy of policy marked.

8. Petitioner counsel filed written arguments. Arguments of the respondents treated as heard.

9. **Issue No.1:-** Whether the petitioner has sustained grievous injuries in a road accident on 01-08-2022 at about 2.40 hours, near Foot over bridge, Madinaguda near Croma Store, while he along with his friends were standing at foot over bridge of Amdianaguda, due to the rash and negligent driving of the of Car bearing No. TS 07 FN6078?

It is seen that the petitioner has filed C.C of FIR in Cr.No.866 of 2023 dated 01-08-2023 issued by PS Miyapur for the offence under Sec.337, 304-A IPC and Sec.187 of M.V. Act. Ex.A.2 is the Certified copy of Charge sheet in the above crime filed under Sec.337 and 338 IPC and 304-A IPC and Sec.186 of M.V. Act against the same driver. The Respondents No.1 to 3 did not rebut the contents of Exs.A1 and A2. Therefore, there is no hesitation to hold that the accident occurred due to rash and negligent driving of the rider of crime vehicle i.e., TS07FN6078 on 01-08-2022 at 2.40 hours near Foot Over Bridge, Madinaguda resulting in injuries to petitioner. Issue No.1 determined accordingly.

10. **Issue No.2:-** Whether the petitioner is entitled to seek compensation on account of injuries sustained in the motor vehicle accident, it is, to what amount and who is liable to pay?

It is seen that the petitioner has filed Discharge summary of Archana Hospitals under Ex.A3 and Disability Certificate under Ex.A4.

11. During the cross, PW1 stated that on the date of accident he was standing near Cromo Building at Madinaguda with his friend under fly over and admitted that he did not file any documentary evidence to show his avocation and income and admitted that he did not underwent any treatment with Doctor D. Srinath and admitted that except Ex.A.4, there is no supportive radiological report. He stated that he is not aware who lodged complaint before the police and the crime vehicle number was mentioned in the police report or not. He denied all other suggestions during the cross.

12. PW.2 is the Doctor who issued Disability Certificate and stated that he is Member of Medical Board at Warangal Head Quarter and petitioner came to his clinic for assessing physical disability for injury sustained in RTA. He perused the medical record and conducted clinical examination and found with right lower extremity limp which is painful and shortening of ½ inch and disability percentage calculated as 25% and issued Disability Certificate on 24-07-2025 under Ex.A.4.

13. During the cross, PW2 admitted that he never treated PW1 and basing on record produced by PW.1, he assessed the disability and did not suggest any radiological examination to the patient and he had no personal acquaintance with the patient before 24-07-2025 and not having any record to show that patient came to him on 24-07-2025 or that he examined the patient. He stated that he assessed the disability basing on MacBride Scale for assessment bifurcation and the said fractures are limited by the time of examination. He admitted that he did not mention length of both the limbs. He stated that he is not maintaining any records regarding issuance of physical disability certificate which he issued. He denied all other suggestions given to him during the cross.

14. It is seen that the Respondents No.1 and 2 did not adduce any evidence and Respondent No.3 filed a petition under Sec.170(b) of M.V. Act and marked Attested copy of insurance policy under Ex.B1.

15. It is seen that the petitioner has filed written arguments thereby repeating the contents of the petition. It is seen that admittedly, the income or avocation of the petitioner are not

mentioned and as per Ex.A3, which is Discharge Summary, the petitioner received 4 injuries which are said to be grievous in nature and surgery is said to be performed. Therefore, the petitioner is awarded total Rs.1,50,000/- for all the 4 grievous injuries. He is also awarded Rs.10,000/- for transportation and awarded Rs.25,000/- towards pain and suffering. He also awarded an amount of Rs.1,00,000/- towards partial disability. Therefore, the petitioner is totally awarded a compensation of Rs.2,85,000/- towards pecuniary and non-pecuniary damages with proportionate costs and interest.

16. **Liability:-**

It is seen that the Respondent No.1 is owner of the crime vehicle and Respondent No.2 is her son and Respondent No.3 is the insurer, as such, Respondents No.1 to 3 are jointly and severally liable to pay the above said amount to the petitioner along with proportionate costs and interest. Issue No.2 determined accordingly.

17. In the result, the present petition of the petitioner be, and the same do be hereby partly allowed and the petitioner is awarded a compensation of Rs.2,85,000/- (Rupees Two Lakhs Eighty Five Thousand only) with costs and interest of

9% per annum from the date of filing petition till the date of realization against the Respondents No.1 to 3 and Respondents No.1 to 3 are jointly and severally held liable to pay the above said compensation amount to the petitioner with costs and interest and the Respondent No.3 is directed to deposit the above said compensation amount into the court with costs and interest within a period of 30 days from the date of this order.

On such deposit, the petitioner is at liberty to withdraw the said amount subject to payment of the court fees.

The fees of the Advocate is fixed as Rs.2,000/- (Rupees Two Thousand only).

Dictated to Stenographer, transcribed by her, after correction pronounced by me in the open Court on this the 10th day of March, 2026.

Sd/-
CHAIRMAN
MACT CUM III ADDITIONAL CHIEF JUDGE,
CITY CIVIL COURT: HYDERABAD

Appendix of Evidence
Witnesses examined

For the Petitioner :

PW.1: Bhuthali Anil.

PW.2: Dr. Dasari Srivanth.

For the Respondents:

-None -

Documents Marked

For the Petitioner :

Ex.A1: Certified copy of FIR No.866 of 2023 dt: 01-08-2023
along with complaint.

Ex.A2: Certified copy of Charge sheet.

Ex.A3: Original Discharge summary of Archana Hospitals,
dt: 05-08-2023.

Ex.A4: Original Disability Certificate.

For the Respondent No.3:

Ex.B1: Attested copy of insurance policy.

Sd/-
CHAIRMAN
MACT CUM III ADDITIONAL CHIEF JUDGE,
CITY CIVIL COURT: HYDERABAD