



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3505]

TUESDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 194/2021

Between:

1. ANDHRA PRADESH STATE ROAD TRANSPORT CORPORATION,,
REP.BY. ITS MANAGING DIRECTOR, MUSHEERABAD,
HYDERABAD. (OWNER OF APSRTC BUS NO. AP 29 Z 2885).

...APPELLANT

AND

1. KOLLIPARA PAPA, W/O.KOTAIAH, AGED ABOUT 53 YEARS, HOUSE
WIFE (MOTHER OF THE DECEASED), R/O.D.NO.21-115,
KOLLIPARA VILLAGE AND MANDAL, GUNTUR DISTRICT, TENALI.

2. KOLLIPARA KOTAIAH, S/O.PUNNAIAH, AGED ABOUT 60 YEARS,
(FATHER OF THE DECEASED), R/O.D.NO.21-115, KOLLIPARA
VILLAGE AND MANDAL, GUNTUR DISTRICT, TENALI.

3. B KANTHA RAO, S/O.APPA RAO, AGED 57 YEARS, R/O.D.NO.11-2-
30/A, 13TH WARD, AMBEDKAR COLONY, PONNUR. (DRIVER OF
BUS BEARING NO. AP 29 Z 2885)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC praying that the Highcourt may be
pleased to allow the MACMA by setting aside the Order and Decree
dated 24-07-2019 passed in M.V.O.P No. 4 of 2018 on the file of the Court of
the Motor Accidents Claims Tribunal-cum- XI Additional District Judge, Tenali,
Guntur and pass

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated
in the affidavit filed in support of the petition, the High Court may be pleased

pleased to condone the delay of days in presenting the appeal filed against the Order and Decree dated 24-07-2019 passed in M.V.O.P No. 4 of 2018 on the file of the Court of the Motor Accidents Claims Tribunal, Guntur-cum-XI Additional District Judge, Tenali, Guntur and pass

IA NO: 2 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the Order and Decree dated 24-07-2019 passed in M.V.O.P No. 4 of 2018 on the file of the Court of the Motor Accidents Claims Tribunal, Guntur-cum-XI Additional District Judge, Tenali, Guntur including of execution proceedings pending disposal of the above M.A.C.M.A and pass

Counsel for the Appellant:

- 1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

- 1.

The Court made the following JUDGMENT:

The present appeal is filed questioning the order dated 24.07.2019 in M.V.O.P.No.4 of 2018, on the file of the Chairman, Motor Vehicles Accidents Claims Tribunal-cum-XI Additional District Judge, Tenali, by the APSRTC.

2. For the sake of convenience, the parties are referred to as they were referred before the Tribunal.

3. The petitioners filed the claim petition under Section 166 of the Motor Vehicles Act, claiming compensation of Rs.10,00,000/-, on account of the death of their daughter Ms. Kollipara Padma Rani (hereinafter called as 'the deceased'), in the accident that was occurred on 15.12.2017, in which the bus belonging to the APSRTC bearing registration No.AP 29 Z 2885 was involved.

4. It is the case of the petitioners that the deceased was aged 38 years and earning Rs.10,000/- per month, as she was working as Catechist in Church of Maria Regina, R.C. Mission, Nuthakki.

5. It was the further case of the petitioners that the deceased was also earning Rs.5,000/- by rendering private service as Catechist.

6. It was the further case of the petitioners that on 15.12.2017, while the deceased was crossing the road near RTC bridge, Tenali, the offending bus driven by the 2nd respondent/ driver, came in rash and negligent manner and hit the deceased, as a result of which, the deceased received fatal injuries and she was shifted to the Government Hospital, Tenali, where, she succumbed to injuries. A case in Crime No.26 of 2017, was registered on the file of the III

Town Police Station, Tenali, under Section 304-A IPC. In view of the sudden demise of the deceased, the petitioners filed the above claim petition seeking compensation as the respondents are jointly and severally liable to pay the same. The 1st respondent/ appellant filed counter-affidavit denying the averments made in the claim petition by contending that the driver of the offending bus was not negligent.

7. It was further contended that the accident was occurred due to the negligence of the deceased. The 1st respondent/ appellant also denied the age and income of the deceased and also contended that the claim made by the petitioners was excessive and prayed to dismiss the claim petition.

8. The 2nd respondent/ driver of the offending bus filed a separate counter-affidavit by contending that the deceased alone was responsible for occurrence of the accident. In order to prove the case of the petitioners, they have examined P.Ws.1 to 3 and got marked Exs.A1 to A6.

9. On the other hand, the respondents neither adduced any oral evidence nor marked any documentary evidence. Based on the material available on record, the Tribunal by an order under challenge awarded compensation of Rs.9,04,000/- together with interest @ 7.5% per annum from the date of petition till the date of realization. Questioning the said order, the present appeal is filed.

10. Heard the learned counsel for the 1st respondent/ appellant.

11. Despite service of notice, there is no appearance for the respondents.

12. Perused the record.

13. The learned counsel for the 1st respondent/ appellant would strenuously contend that the accident was occurred due to the negligence of the deceased herself and there was no negligence on the part of the driver of the offending bus. In order to prove the same, the respondents have not placed anything on record, except making bald and vague allegations, denying the contents of the claim petition.

14. On the other hand, the petitioners have examined P.W.2, who was the eye witness to the accident.

15. A perusal of the evidence of the P.W.2, it is clear that the accident was occurred due to the rash and negligent driving of the offending RTC bus. Though P.W.2 was cross-examined at length, nothing was elicited to disprove his evidence. Apart from the same, the petitioners have also marked the copies of FIR and charge sheet as Exs.A1 and A2.

16. On perusal of the contents of the said documents, it would reveal that the accident was occurred in view of the negligence of the driver of the offending RTC bus/ 2nd respondent.

17. From the above, it can be held that there is negligence on part of the 2nd respondent/ driver. Accordingly, the said contention of the 1st respondent/ appellant in this regard is rejected.

18. The learned counsel for the 1st respondent/ appellant also contends that the Tribunal erred in awarding Rs.9,04,000/- as compensation. In this context,

he would further submit that the petitioners have not filed any documentary proof to show that the deceased was aged 38 years as on the date of the accident. In this connection, it is relevant to note that the petitioners have filed the copies of Inquest Report and Post Mortem Report, which were marked as Exs.A3 and A4. A perusal of the same, it would reveal that the age of the deceased was mentioned as 38 years as on the date of the accident. In order to disprove the same, the respondents have miserably failed to place anything on record.

19. In the circumstances, the age of the deceased can be taken as 38 years as on the date of accident. Further, the petitioners have got examined the Paster as P.W.3. In his evidence, he has categorically deposed that the deceased is working as Catechist in Church of Maria Regina, R.C. Mission, Nuthakki and was earning Rs.10,000/- per month. Further, the Salary Certificate of the deceased was also marked as Ex.A6. On a conjoint appreciation of the evidence of the P.W.3 and Ex.A6/ Salary Certificate, it is clear that the deceased was working as Catechist in Church of Maria Regina, R.C. Mission, Nuthakki and was earning Rs.10,000/- per month. Though certain suggestions were put to P.W.3 to deny the Salary Certificate, the evidence of P.W.3 could not be shattered by the respondents.

20. In the circumstances, the contention of the 1st respondent/ appellant cannot be countenanced and the same is hereby relied.

21. The Tribunal, on overall consideration of the oral and documentary evidence placed before it, awarded Just compensation of Rs.9,04,000/-, to the petitioners under various conventional heads. Though the learned counsel for the respondent No.1/ appellant contends that the compensation is excessive, as already noted *supra*, they have failed to place any material on record to disprove the same. In the circumstances, the order under challenge does not warrant interference by this Court. Accordingly, the appeal is dismissed. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE T.C.D.SEKHAR

Dt.24.03.2026
SCH

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THE HON'BLE SRI JUSTICE T.C.D.SEKHAR

M.A.C.M.A.No.194 OF 2021

Date: 24.03.2026

SCH