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APHC010262222022



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

[3333]

THURSDAY, THE 2nd DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 206/2022

Between:

- 1.THE NEW INDIA ASSURANCE CO.LTD, REP. BY ITS DIVISIONAL MANAGER, R.S.ROAD CIRCLE, KURNOOL TOWN, KURNOOL DISTRICT.

...APPELLANT

AND

- 1.SUNITHA, W/O.LATE BESTHA RAMU @ BOTTU RAMUDU ,COOLIE, HINDU, AGED ABOUT 31 YEARS,RESIDENTS OF 1-114, UDANDAUR VILLAGE, ITIKYALA MANDAL, JOGULAMBA GADWAL DISTRICT. PRESENTLY RESIDING AT H.NO.76-97-41-1, SIVARAMAKRISHNA NAGAR, KALLUR MANDAL, KURNOOL DISTRICT
- 2.LAVANYA, D/O. LATE BESTHA RAMU @ BOTTU RAMUDU HINDU, MINOR, AGED ABOUT 12 YEARS,RESIDENTS OF 1-114, UDANDAUR VILLAGE, ITIKYALA MANDAL, JOGULAMBA GADWAL DISTRICT. PRESENTLY RESIDING AT H.NO.76-97-41-1, SIVARAMAKRISHNA NAGAR, KALLUR MANDAL, KURNOOL DISTRICT
- 3.GANESH BABULU, S/O. LATE BESTHA RAMU @ BOTTU RAMUDU HINDU, MINOR, AGED ABOUT 11YEARS, RESPONDENTS 2 AND 3 ARE BEING MINORS, REP. BY THEIR GUARDIAN-MOTHER 1ST RESPONDENT SUNITHA

- 4.J BALARAMUDU, S/O.GOVINDU HINDU, AGED ABOUT 71 YEARS, RESIDENTS OF 1-114, UDANDAUR VILLAGE, ITIKYALA MANDAL, JOGULAMBA GADWAL DISTRICT. PRESENTLY RESIDING AT H.NO.76-97-41-1, SIVARAMAKRISHNA NAGAR, KALLUR MANDAL KURNOOL DISTRICT
- 5.D SATYAM, S/O.SUNKANNA, MAJOR, DRIVER OF LORRY BEARING NO.AP21 TW 9599, H.NO.2- 345, SESHAREDDY COLONY, BETHAMCHERLA VILLAGE AND MANDAL, KURNOOL DISTRICT.
- 6.T MADDILETI, S/O.THIMMA RAJU, MAJOR, OWNER OF LORRY BEARING NO.AP21 TW 9599, H.NO.2-195, BYTIPETA, BETHAMCHERLA VILLAGE AND MANDAL, KURNOOL DISTRICT.
- 7.M/S NATIONAL INSURANCE CO LTD, REP. BY ITS DIVISIONAL MANAGER, GANDHI NAGAR, KURNOOL
- 8.B RAMESH NAIDU, S/O.NARAYANA, MAJOR, HINDU, DRIVER OF LORRY BEARING NO.AP21 TE 3978, R/O.H.NO.18/182/1, BPL ROAD, BETHAMCHERLA VILLAGE AND MANDAL, KURNOOL DISTRICT.
- 9.V SUDHAKAR, S/O.V.SUNKULAIAH, MAJOR, HINDU, OWNER OF LORRY BEARING NO.AP21 TE 3978, R/O.H.NO.3-159, NEW BUS-STAND, BETHAMCHERLA VILLAGE AND MANDAL, KURNOOL DISTRICT

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court appellant begs to present this Memorandum of Civil Miscellaneous Appeal being aggrieved by the decree and order Dt.29-10-2021 passed in M.V.O.P.No.161 of 2019 on the file of the Court of the Motor Accidents Claims Tribunal -cum-I Addl. District Judge, Kurnool, Kurnool District

IA NO: 1 OF 2022

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 stay all further proceedings including execution of the decree dated 29-10-2021 passed in M.V.O.P.No.161 of 2019 on the file of the Court of the Motor Accident Claims Tribunal -cum-I Addl. District Judge, Kurnool, pending disposal of MACMA before this Honorable Court and pass such

Counsel for the Appellant:

1.C PRAKASH REDDY

Counsel for the Respondent(S):

1.S A V RATNAM

2.G SRAVAN KUMAR

The Court made the following:

JUDGMENT:

The appeal is filed by the appellant/respondent No.6 challenging the award dated 29.10.2021 passed by the Chairman, Motor Accidents Claims Tribunal-cum-I Additional District Judge, Kurnool in M.V.O.P.No.161 of 2019, whereby the Tribunal awarded compensation of Rs.19,44,000/- (Rupees Nineteen lakhs forty four thousand only) to the respondents/Claimant Nos.1 to 4 herein, as against the claim of Rs.10,00,000/-, on account of the death of the deceased Bestha Ramu @ Bottu Ramudu in a motor accident that occurred on 07.02.2019 and fixed liability on all the respondent Nos.1 to 6, the drivers, owners of the offending vehicles and the insurance companies.

02. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.

03. The case of the claimants is briefly as follows:

Claimant No.1 is the wife and claimants Nos.2 & 3 are the children of the deceased Bestha Ramu @ Bottu Ramudu and claimant No.4 is father of the deceased. On 07.02.2019, at 7.45AM, while the deceased along with five others started from Bellary Chowrastha, Kurnool town, in a Cruiser bearing No.AP 07 TD 1653 in order to attend YSR Party meeting at Kadapa and at about 8.45AM when they reached Kurnool-Nandyal NH40 road, the respondent No.4 being the driver of the lorry bearing registration No.AP 21 TE 3978, proceeding in front of their vehicle, while overtaking a school bus,

suddenly stopped on the road in a negligent manner without any proper signal and started arguing with the driver of school bus, then the driver of the Cruiser stopped his vehicle towards left on the back of the said lorry and at that time, the respondent No.1 being the driver of the lorry bearing registration No.AP 21 TW 9599 came in a rash and negligent manner with high speed and dashed on the right side of cruiser vehicle from back side, as a result of which, the Cruiser vehicle crushed in between the two lorries and the deceased and others namely Boya Raghavendra (driver) and Bestha Ramudu @ Chinna Ramudu received bleeding injuries and died on spot, while the others received grievous injuries.

The claimants contended that the deceased used to earn Rs.15,000/- per month, by working as a Cook and due to his sudden demise in the road accident, they lost their breadwinner. Therefore, they claimed compensation of Rs.10,00,000/- from respondent Nos.1 to 6, owners, insurers and drivers of the crime vehicles.

04. Before the Tribunal, respondent Nos.1, 2, 4 and 5 remained *ex parte*.

05. Respondent Nos.3 and 6/insurers filed written statements, opposing the claim petition, mainly on the grounds that the respondent Nos.1 & 4 had no valid driving license to drive the lorries at the relevant point of time and as such it is not liable to pay any compensation. It was further averred that the compensation claimed is excessive and exorbitant and the rate of interest

claimed is also on higher side. Hence, it was prayed to dismiss the claim petition.

06. Basing on the pleadings, the Tribunal framed the following issues for trial:

“1. Whether the accident occurred on 07.02.2019 at 8.45 am., on a road running from Kurnool town to Nandyal town in front of Primary Health Center, Orvakal village, due to rash and negligent driving of R1, R4, being drivers of vehicles bearing nos.AP 21TW 9599 and AP 21TE 3978, respectively wherein Bestha Ramu @ Bottu Ramudu died?

2. Whether R1, R4 have got valid driving license on the date of accident?

3. Whether petitioners are entitled to claim compensation? If so, to what amount and from whom?

4. To what relief?”

07. On behalf of the claimants, P.Ws.1 and 2 were examined and Exs.A1 to A5 are marked. On behalf of contesting respondent Nos.3 & 6/insurers, R.W.1 was examined and Ex.B1and B2 are marked.

08. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal partly allowed the claim petition awarding compensation of Rs.19,44,000/- payable with interest @7.5% per annum from the date of petition till the date of payment by respondent Nos.1 to 6 jointly and severally, and apportioned the compensation amount amongst the claimants.

09. Aggrieved by the said award, the respondent No.6/insurer preferred this appeal contending that the accident was occurred due to rash and negligent

driving of lorry bearing No.AP 21TW 9599, the Tribunal ought to have dismissed the claim against the driver, owner and insurer of lorry bearing No.AP 21TE 3978 and fixed the entire liability on the driver, owner and insurer of lorry bearing No.AP 21TW 9599. It is further contended that the amount of earnings of the deceased, as assessed by the Tribunal i.e., Rs.9,000/- per month, is on higher side and the compensation is exorbitant and excessive. It is, therefore, prayed to allow the appeal.

10. On the other hand, learned counsel for the claimants/respondent Nos.1 to 4 herein has supported the impugned award and prayed to dismiss the appeal.

11. To prove that the accident occurred due to the rash and negligent driving of the lorry by respondent No.4, the claimants relied upon the evidence of P.W.2-eye witness and Exs.A1, A4 and A5. A perusal of the record reveals that P.W.2 has categorically deposed that on the fateful day, himself Boya Raghavendra, driver of Cruiser, Chinna Parusuramudu, Laxmana, Linganna and the deceased boarded the Cruiser jeep bearing No. AP 07 TD 1653 to go to Kadapa to attend YSRCP meeting and their jeep reached at about 8.45 am, in front of PHC, Orvakal (v) on NH.40 road i.e., Kurnool-Nandyal road, at that time, one lorry bearing No. AP 21 TE 3978 which was proceeding in front of their jeep, after overtaking a school bus, the driver of said lorry, suddenly stopped the lorry towards extreme left negligently, on the road without proper signal, and started arguing with the school bus driver, which was going ahead,

on seeing the same, their cruiser jeep driver Raghavendra stopped on taking left of the back side of the lorry, at that time, another lorry bearing No. AP 21 TW 9599 came from back side of the jeep in a rash and negligent manner in high speed and dashed their vehicle from backside, as a result, their Cruiser jeep was crushed in between the two lorries i.e., A.P.21 TW 9599 and AP 21 TE 3978, resulting which, he received simple injuries and the inmates of Cruise jeep i.e., Raghavendra (driver), Bestha Ramu @ Bottu Ramudu (deceased in this case) and Chinna Ramudu sustained bleeding injuries and died on the spot and the others received grievous injuries. Though PW2 was cross-examined elaborately, nothing was elicited before the Tribunal to substantiate that plea. Exs.A1 and A2, attested copy of FIR and charge sheet respectively, would show that the police registered a case against respondent No.4/driver of the lorry, investigated into the crime and laid a charge sheet against him for the offence punishable under Section 304-A I.P.C. Thus, on the basis of the evidence of P.W.2-eye-witness coupled with Exs.A1 and A2/attested copies of FIR and charge sheet, and also Ex.A5-MVI report, the Tribunal has rightly held that the accident occurred due to the rash and negligent driving of the crime vehicle lorry by respondent No.4.

12. Coming to the quantum of compensation, according to the petitioners, the deceased was aged about 33 years by the date of accident. Though it is the case of the claimants that the deceased was working as a Cook and used to earn an amount of Rs.15,000/- per month, in the absence of the documentary evidence, the Tribunal considered the monthly income of the

claimant as Rs.300/- per day (Rs.300 X 30 = Rs.9,000/- per month) as per minimum wages. As the age of the deceased is 33 years as on the date of the accident, he is entitled to an additional amount of 40% of his income towards his future prospects, as held by the “**Hon'ble Apex Court in National Insurance Company Ltd. v. Pranay Sethi¹**”. as such the monthly income of the deceased would come to Rs.12,600/- (Rs.9,000 + Rs.3,600). Accordingly, the annual income would come to Rs.1,51,200/- (Rs.12,600 × 12). As there are 4 dependents in the present case, 1/4th has to be deducted towards his personal and living expenses. After deducting 1/4th, the annual income of the deceased would come to Rs.1,13,400/- (Rs.1,51,200 – Rs.37,800/-). After applying the appropriate multiplier, i.e., 16 for the age group of 31–35 years, as per the decision of the “**Hon'ble Apex Court in Sarla Verma v. Delhi Transport Corporation²**”, the loss of dependency would come to Rs.18,14,400/- (Rs.1,13,400 × 16). In addition to the above, the Tribunal also awarded an amount of Rs.1,00,000/- to claimant Nos.1 to 4 towards loss of love and affection, Rs.25,000/- towards funeral expenses and Rs.5,000/- towards transportation charges. Considering the material available on record, this Court is of the considered opinion that the amount of Rs.19,44,000/- awarded by the Tribunal to the claimants, for the death of the deceased, was on reasonable basis and is sustainable under law, which needs no interference.

¹ 2018 ACJ 2782

² 2009 ACJ 1298

13. So far as the liability to pay the compensation is concerned, it is to be noted that Ex.B2-Policy certificate would disclose that the crime vehicle lorry was validly insured with respondent No.6/Insurer and the policy was in force as on the date of accident. In view of the same and since the crime vehicle was insured with the insurer and Ex.B2-policy certificate was in force as on the date of accident, the Tribunal held the respondent Nos.4 and 6 jointly and severally liable to pay the compensation to the claimants. This Court finds no error in the said finding of the Tribunal, warranting interference with the impugned award.

14. Having regard to the above discussion, no interference necessitates to the findings recorded by the Tribunal regarding all aspects and as there is no need to disturb the well-articulated order passed by the Tribunal, as such, the appeal preferred by the appellant is liable for dismissal.

15. Viewed from any angle, this Court does not find any ground to interfere with the award impugned in this appeal.

16. In the result, the appeal is dismissed.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Date: 02.07.2026
PBS

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

318

THE HONOURABLE SMT JUSTICE V.SUJATHA

M.A.C.M.A NO: 206/2022

Date: 02.07.2026

PBS