

APHC010351262025



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

[3333]

TUESDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 711 OF 2025

Between:

1.A.P.S.R.T.C., EPRESENTED BY ITS V.C AND M.D, REGIONAL
MANAGER, APSRTC BUS STATION COMPLEX AMALAPURAM,
E.G.DISTRICT. PIN 533201. APPELLANT/2ND RESPONDENT

...APPELLANT

AND

1.SETTIBATTULA ANANDA RAO, S/O SURYA RAO, AGED ABOUT 75
YEARS, DOOR NO. 2-184, RAJUPALEM STREET, KOMMARAGIRI
PATNAM VILLAGE ALLAVARAM MANDAL, E.G.DISTRICT (DIED).

2.SETTIBATTULA BABY, D/O SURYA RAO AGED ABOUT 62 YEARS.
DOOR NO. 2-184, RAJUPALEM STREET, KOMMARAGIRI PATNAM
VILLAGE ALLAVARAM MANDAL, E.G.DISTRICT.

3.SETTIBATTULA BAPUJI, S/O SURYA RAO, AGED ABOUT 57
YEARS, DOOR NO. 2-184, RAJUPALEM STREET, KOMMARAGIRI
PATNAM VILLAGE, ALLAVARAM MANDAL, E.G.DISTRICT.

4.SETTIBATTULA MARIYAMMA, W/O LATE ANANDA RAO, AGED
ABOUT 56 YEARS. DOOR NO. 2-184, RAJUPALEM STREET,
KOMMARAGIRI PATNAM VILLAGE, ALLAVARAM MANDAL,
E.G.DISTRICT.

5.SETTIBATTULA SURESH, S/O LATE ANANDA RAO, AGED ABOUT
15 YEARS, NOW 21 YEARS, DOOR NO. 2-184, RAJUPALEM
STREET, KOMMARAGIRI PATNAM VILLAGE, ALLAVARAM
MANDAL, E.G. DISTRICT. (5TH RESPONDENT BEING MINOR AT

THE TIME OF FILING OF MVOP REPRESENTED BY MOTHER AND
NATURAL GUARDIAN SETTIBALLI MARIYAMMA (R4).
RESPONDENTS/PETITIONERS

6. TOTTARAMUDI SRINIVASA RAO, S/O KONDAYYA AGED ABOUT 48
YEARS, BATNAVELLI VILLAGE AMALAPURAM MANDAL,
E.G. DISTRICT 533 222 DRIVER OF APSRTC BUS BEARING
REGISTRATION NO. AP-28-Z-1091 RESPONDENT

...RESPONDENT(S):

Counsel for the Appellant:

1. K SRINIVASA PRASAD SC For APSRTC

Counsel for the Respondent(S):

1. SIVA PRASAD KATAKAMSETTY

2.

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 711 OF 2025****JUDGMENT:-**

The APSRTC filed the present appeal challenging the order and decree dated 18.03.2025 passed in M.V.O.P.No.116 of 2019 by the Motor Accidents Claims Tribunal-cum-II Additional District Judge, Amalapuram, whereby and whereunder the Tribunal granted compensation of Rs.7,97,800/- as against the claim of Rs.9,00,000/-, on account of the death of the Settibattula Veeraraju (hereinafter referred to as 'deceased') in a motor accident that occurred on 31.12.2016.

2. For the purpose of convenience, the parties will be referred to as they are arrayed before the Tribunal.
3. The case of the claimants is briefly as follows:

The Petitioners No. 1 and 3 are brothers and Petitioner No.2 is sister of the deceased. The deceased was aged 58 years, he was hale and healthy and was earning Rs. 12,000/- per month by doing coolie works prior to his death. On 31.12.2016 while the deceased was standing cautiously on the left side of the road at Bendamurilanka centre of Allavaam Mandal, at 11.00 p.m, the APSRTC Bus bearing Registration No. AP 28 Z 1091 being driven by Respondent No.1, while coming from Amalapuram side towards Odalarevu was driven rashly and negligently and at high speed without blowing horn, gave hit to the deceased due to which the deceased fell on the road, sustained severe injuries and died on the spot. The Allavaram Police

registered a case in Crime No.1 of 2017 under Section 304-A of IPC against the driver of the RTC bus. Therefore, the Claimants filed a claim petition.

4. During pendency of the claim petition, the Petitioner No.1 died. The Petitioners No. 2 and 3 were impleaded as Petitioners No.4 and 5 being the Legal Representatives of deceased Petitioner No.1, who are wife and minor son.

5. Before the Tribunal, the Respondent No.1 remained *exparte*.

6. Respondent No.2/APSRTC filed a written statement denying the material averments made in the claim petition and *inter alia* contended that there was no rash and negligent act on the part of Respondent No.1 in driving the RTC bus, the road where the incident took place was rough in condition by having full of ditches and uneven and as such there was no scope for Respondent No.1 in driving the bus in rash and negligent manner. The Petitioners are not dependents; as such they are not entitled to claim any compensation. It was further contended that the amount of compensation claimed by the petitioners is a speculative one and the same is excessive. Hence, it was prayed to dismiss the claim petition.

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

“1. Whether the incident occasioned as claimed in the petition?

2. Whether the petition mentioned claim is excessive and exorbitant?

3. Whether the claimed rate of interest is excessive and exorbitant?

4. Whether the petitioners are entitled to decree as sought in the petition?

And

5. To what relief?"

8. On behalf of the Petitioners/ Claimants, P.Ws.1 and 2 were examined and Exs.P1 to P4 were marked. On behalf of the respondents, none was examined and no document was marked.

9. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal allowed the claim petition against Respondent Nos.1 and 2, awarding compensation of Rs.7,97,800/- with subsequent interest at 7.5% per annum on the said amount from the date of filing of the petition till the date of realization and Respondents No.1 and 2 were jointly and severally held liable to pay the said amount within one month from the date of the order.

10. Aggrieved by the said award, the Respondent No.2/APSRTC preferred this appeal contending that the Tribunal erred in holding that the accident was occurred only due to the negligence on the part of the driver of APSRTC bus. In fact, the road where the incident took place was rough in condition, full of ditches and uneven, as such, there was no scope of driving the bus in rash and negligent manner. There is no negligence on the part of the driver of the RTC Bus. It is further contended that the Tribunal has erred in assessing the monthly income of the deceased at Rs.9,000/- without any valid documentary proof, which is contrary to law and that the compensation awarded is exorbitant and excessive. It is, therefore, prayed to allow the appeal.

11. On the other hand, learned counsel for the Claimants/Respondent Nos.1 to 5 herein have supported the impugned award and prayed to dismiss the appeal.

12. Now the point for consideration is:

Whether the order of the Tribunal needs any interference?

POINT:

13. On perusal of the Award passed by the Tribunal, it can be observed that relying upon the evidence of PW-2, who is an eye witness to the said accident, who categorically deposed that the incident took place because of rash and negligent driving of driver of the bus bearing No. AP 28 Z 1091. Due to which, the deceased died on the spot. Coupled with Ex.P4- Charge Sheet, which was filed against Respondent No.1, the Tribunal held that the death of the deceased due to rash and negligent driving of the driver of the RTC bus driven by Respondent No.1.

14. Coming to the quantum of compensation, it can be observed that in the absence of any documentary evidence to prove that the deceased was earning Rs.15,000/- per month by doing coolie work as on the date of his death, the Tribunal opined that even an ordinarily unskilled coolie used to earn Rs.300/- to 400/- per day, by the date of the accident and taken his monthly income as Rs. 9,000/-. As the deceased died at the age of 58 years, 10% of his income must be added towards his future prospects, as per the decision of

Hon'ble Apex Court in ***National Insurance Company v. Pranay Sethi***¹, then monthly income of the deceased would come to Rs. 9,000 + 10% = 9,900/-. After deducting 1/3rd of his income towards his personal expenditure, it would come to Rs.6,600/- (Rs. 9,900/- - 3,300/-). For the age group of 58 years, the relevant multiplier is '9', as per the decision of the Hon'ble Apex Court in ***Sarla Verma v. Delhi Transport Corporation***². As such, the Tribunal has rightly calculated the loss of earnings to be Rs.7,12,800/-. (Rs. 6,600/- x 12 x 9). Apart from that the Tribunal also awarded compensation under conventional heads to the claimants of Rs.50,000/- towards loss of love and affection, Rs.25,000/- towards funeral expenses; Rs.10,000/- towards transportation charges. In total, the Tribunal awarded Rs.7,97,800/- towards compensation to the claimants, which needs no interference by this Court.

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

16. In the result, the appeal is dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE V.SUJATHA

Date: 17.02.2026

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¹ 2017 ACT 2700

² 2009 ACJ 1298