



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI**

**THURSDAY, THE 30<sup>th</sup> DAY OF JULY 2026  
PRESENT**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NOS: 288**

**AND 289 OF 2022**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 288 OF 2022**

**Between:**

1. SRI LAGUDU SRINIVASA RAO, S/o. Late Appayya, Hindu, aged 31 years, residing at Nindugonda Village, Rolugunta Mandal, Vishakhapatnam District.

**...Petitioner**

**AND**

1. SRI DOPPA SRINIVASA RAO, S/o.Late Pydiraju, Hindu, aged 32 years, Driver of Kenvin School Bus, Galchapu Veedhi, Narsipatnam, Visakhapatnam District.

2. Kevin English Medium School, C/o. Lumbini Educational Society, represented by Sri P. Nooka Raju, Jogavanipalem, Pedabupalli, Narsipatnam, Visakhapatnam District.

3. Bajaj Allianz General Insurance Company Limited, represented by its Branch Manager, having office at 3rd Floor, Peejay Plaza, VIP Road, Road, CBM Compound, Visakhapatnam.

**...Respondents**

Appeal filed under Order 41 of CPC before the High Courtappellant begs to prefer this Memorandum of Civil Miscellaneous Appeal to this Honourable Court against the order and decree dated 9th day of March, 2022, made in the M.V.O.P No.283 of 2012, on the file of the Chairman, Motor Accidents Claims

Tribunal-curn-Spl. Sessions Judge for Trial of Cases Under SC and ST Cases (POA) Act-Cum-X1 Additional District Judge, Visakhapatnam

**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 may be pleased to condone the delay in 8 days in filing of the present M.A.C.M.A. and pass such other order or orders as this Honourable Court deems fit and proper in the circumstances of the case and is interest of justice.

**Counsel for the Petitioner: S.V.S.S.SIVA RAM**

**Counsel for the Respondents: GUDI SRINIVASU Counsel for the Respondents:**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 289 OF 2022**

**Between:**

1. SRI LAGUDU SRINIVASA RAO, S/o. Late Appayya, Hindu, aged 31 years, residing at Nindugonda Village, Rolugunta Mandal, Vishakhapatnam District

**...Petitioner**

**AND**

1. SRI DOPPA SRINIVASA RAO, S/o.Late Pydiraju, Hindu, aged 32 years, Driver of Kenvin School Bus, Galchapu Veedhi, Narsipatnam, Visakhapatnam District.

2. Kevin English Medium School, C/o. Lumbini Educational Society, represented by Sri P. Nooka Raju, Jogavanipalem, Pedabupalli, Narsipatnam, Visakhapatnam District.

3. Bajaj Allianz General Insurance Company Limited, represented by its Branch Manager, having office at 3rd Floor, Peejay Plaza, VIP Road, Road, CBM Compound, Visakhapatnam.

**...Respondents**

Appeal filed under Order 41 of CPC before the High CourtMemorandum of Civil Miscellaneous Appeal to this Hon'ble Court against the order and decree dated 9th day of March, 2022, made in the MVOP No.498/2012, on the file of the Chairman, Motor Accident Claims Tribunal-cum-Spl, Sessions Judge for Trail of Cases Under SC and ST Cases(POA) Act-Cum-X1 Additional District Judge, Visakhapatnam

**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 condone the delay in 8 days in filing of the present M.A.C.M.A. and pass

**Counsel for the Petitioner: S.V.S.S.SIVA RAM**

**Counsel for the Respondents: GUDI SRINIVASU Counsel for the Respondents:**

**The Court made the following**

**COMMON JUDGMENT:**

Since both these appeals arise out of the same motor vehicle accident and the appellant/claimant is common in both the appeals as the deceased in both the cases are the mother and father of the claimant, they were heard together and are being disposed of by this common judgment.

2. This MACMA No.288 of 2022 is preferred by the appellant/claimant challenging the order and decree dated 09.03.2022 passed in M.V.O.P.No.283 of 2012 on the file of the Motor Vehicle Accidents Claims Tribunal-cum-Special Sessions Judge for Trial of Cases under SC & ST Cases (POA) Act-Cum-XI Additional District Judge, Visakhapatnam, wherein the claim petition was dismissed.

3. This MACMA No.289 of 2022 is preferred by the appellant/claimant, challenging the order and decree dated 09.03.2022 passed in M.V.O.P.No.498 of 2012 on the file of the Motor Vehicle Accidents Claims Tribunal-cum-Special Sessions Judge for Trial of Cases under SC & ST Cases (POA) Act-Cum-XI Additional District Judge, Visakhapatnam, wherein the claim petition was dismissed.

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

5. The case of the petitioner, in brief, is as follows:

a) On 25.09.2010, while the deceased, along with five others, were travelling in an auto-rickshaw from Gidaturu, Makavarapalem to Narsipatnam, and when the vehicle reached Joginadhunipalem Junction, a Mini Bus bearing Registration No.AP 31 TW 1407, driven by the first respondent in a rash and negligent manner and at a high speed, came from the opposite direction and dashed the auto. As a result of which, Lagudu Rajababu died instantaneously at the spot, while the other persons sustained grievous injuries and were shifted to the Area Hospital, Narsipatnam, for treatment. Based on the complaint lodged by Lagudu Bramaramba, wife of the deceased Rajababu, the Station House Officer, Narsipatnam Traffic Police Station, registered a case in Crime No.163 of 2010 for the offences punishable under Sections 304-A, 337 and 338 of the Indian Penal Code. Subsequently, Lagudu Bramaramba succumbed to the injuries while undergoing treatment.

b) It is further pleaded that the deceased in M.V.O.P. No.283 of 2012, i.e., Lagudu Rajababu, was an agriculturist residing at Nindugonda Village and was earning about Rs.400/- per day, i.e., about Rs.10,000/- per month. Besides agriculture, he was also working as a helper in a milk manufacturing centre and was earning an additional sum of Rs.6,000/- per month.

c) It is further pleaded that the deceased in M.V.O.P. No.498 of 2012, i.e., Lagudu Bramaramba, was also an agriculturist residing at Nindugonda Village and was earning about Rs.400/- per day, i.e., about Rs.10,000/- per month.

d) It is further averred that the petitioner, being the adopted son and legal representative of the deceased, represents their estate. Since the deceased had no natural children, they executed a registered Will dated 11.08.2005 bequeathing all their properties in favour of the petitioner. Consequently, the petitioner, being the sole legal representative and beneficiary under the Will, filed M.V.O.P. No.283 of 2012 claiming compensation of Rs.5,00,000/- and M.V.O.P. No.498 of 2012 claiming compensation of Rs.4,00,000/-.

6. Before the Tribunal, respondent Nos.1 and 2, who are the driver and owner of the offending vehicle remained *ex parte*.

7. Respondent No.3, the insurer of the offending vehicle, filed a counter denying the averments made in the claim petition. It was contended that the accident did not occur due to the rash and negligent driving of the driver of the offending Mini Bus, but solely on account of the rash and negligent driving of the driver of the auto-rickshaw. Respondent No.3 further disputed the petitioner's status as the adopted son and legal representative of the deceased and, consequently, contended that he is not entitled to claim any compensation. It was also pleaded that, at the time of the accident, the auto was carrying passengers in excess of its permitted seating capacity, as a result of which the driver lost control over the vehicle. Thus, according to Respondent No.3, the owner and driver of the auto-rickshaw violated the

provisions of the Motor Vehicles Act and the conditions of the permit, and therefore, the insurer is not liable to pay any compensation.

8. Based on the pleadings in MVOP No.283 of 2012, the Tribunal framed the following issues for trial:

*“1. Whether the deceased Lagudu Rajubabu, S/o. Late Atchayya died, in the motor vehicle accident occurred on 25.09.2010 due to rash and negligent driving of the Mini Bus bearing No.AP-31-TW-1407 by its driver?*

*2. What was the age and income of the deceased by the time of accident?*

*3. Whether the petitioner is entitled to claim compensation? If so, to what amount and from which of the respondents? And*

*4. To what relief?”*

9. Based on the pleadings in MVOP No.498 of 2012, the Tribunal framed the following issues for trial:

*“1. Whether the deceased viz., Lagudu Bramaramba died in the Motor accident occurred due to the rash and negligent driving of the motor vehicle Mini Bus bearing Registration No.AP-31-TW-1407, driven by the driver of the 1<sup>st</sup> respondent?*

*2. Whether the petitioner is entitled to claim compensation? If so, to what amount and from which of the respondents? And*

*3. To what relief?”*

10. On behalf of the petitioner, P.W.1 to P.W.3 were examined and Exs.A1 to A7 were marked. On behalf of the 3<sup>rd</sup> respondent/insurance company, R.W.1 was examined and Ex.B1/copy of the insurance policy was marked.

11. After hearing both parties and after considering the oral and documentary evidence on record, the Tribunal dismissed the claim petitions holding that, in the absence of an adoption deed or any other cogent evidence establishing the adoption, it was not possible to conclude that the petitioner was the adopted son of the deceased, i.e., Lagudu Rajababu and Lagudu Bramaramba. The Tribunal further observed that the petitioner had not obtained any declaration from a competent Civil Court recognizing his status as the adopted son of the deceased. Consequently, it held that the petitioner had failed to establish that he was the legal representative of the deceased and, therefore, was not entitled to claim compensation under the Motor Vehicles Act. Accordingly, both the claim petitions were dismissed.

12. Aggrieved by the said awards, the present appeals have been preferred by the petitioner contending that the Tribunal failed to appreciate the scope and ambit of Section 166(1)(c) of the Motor Vehicles Act, 1988, which permits any one or more of the legal representatives of a deceased victim to maintain a claim petition seeking compensation arising out of a motor vehicle accident. It is contended that the petitioner is the adopted son and legal representative of both the deceased and that he had produced copies of the registered gift deeds executed by Lagudu Rajababu and Lagudu Bramaramba, as well as the certificate issued by the Tahsildar, evidencing his status as their legal representative. It is further contended that the Tribunal erred in not appreciating the said documents in their proper perspective and in holding that

they were insufficient to establish his status as the legal representative of the deceased. It is, therefore, prayed that the impugned awards be set aside and the appeals be allowed.

13. On the other hand, learned Standing Counsel for the 3<sup>rd</sup> respondent/insurance company has supported the impugned awards and prayed to dismiss the appeal.

14. Heard learned counsel for the appellant and Mr.Gudi Srinivas, learned Standing Counsel for respondent No.3.

15. Now the point for consideration is:

*Whether the order of the Tribunal needs any interference?*

**POINT:**

16. With regard to Issue No.I, the petitioner, who claims to be the adopted son of both the deceased, examined himself as P.W.1 and deposed with regard to the manner in which the accident occurred. In support of his case, he also examined P.W.2, an eyewitness to the accident. P.W.2 categorically deposed that on 25.09.2010, while he was proceeding towards Narsipatnam and, upon reaching Joginadhunipalem Junction, a Mini Bus bearing Registration No. AP 31 TW 1407, driven by its driver at a high speed and in a rash and negligent manner, came from the opposite direction and dashed the auto proceeding from Makavarapalem to Narsipatnam. As a result of which, Lagudu Rajababu died instantaneously at the spot, while Lagudu

Bramaramba and the other persons sustained grievous injuries and were shifted to the Area Hospital, Narsipatnam, for treatment. Subsequently, Lagudu Bramaramba succumbed to the injuries sustained in the accident. The evidence of P.W.2 regarding the manner in which the accident occurred has not been disputed by the respondents. Their only contention is that P.W.1 is not the adopted son of the deceased. On considering the evidence of P.Ws.1 and 2, coupled with Ex.A1–First Information Report and Ex.A4–Charge Sheet, which was filed against the driver of the offending Mini Bus, the Tribunal rightly held that the accident occurred due to the rash and negligent driving of the driver of the offending vehicle. The said finding is based on the oral and documentary evidence available on record and, therefore, does not warrant any interference by this Court.

17. Coming to the issue of entitlement to compensation, it is evident that the Tribunal dismissed the claim petitions solely on the ground that the petitioner failed to establish that he was the adopted son of the deceased. The Tribunal failed to appreciate that the Motor Vehicles Act, 1988, is a beneficial legislation and that, under Section 166(1)(c) of the Act, an application for compensation can be maintained by all or any of the legal representatives of the deceased. Section 166(1)(c) of the Motor Vehicles Act, 1988, reads as follows:

**166. Application for compensation.** - (1) *An application for compensation arising out of an accident of the nature specified in sub-section (1) of section 165 may be made*

*(a) by the person who has sustained the injury; or*

*(b) by the owner of the property; or*

*(c) where death has resulted from the accident, by all or any of the legal representatives of the deceased; or*

*(d) by any agent duly authorised by the person injured or all or any of the legal representatives of the deceased, as the case may be:*

*Provided that where all the legal representatives of the deceased have not joined in any such application for compensation, the application shall be made on behalf of or for the benefit of all the legal representatives of the deceased and the legal representatives who have not so joined, shall be impleaded as respondents to the application.*

18. In view of the aforesaid statutory provision, the finding recorded by the Tribunal denying compensation to the petitioner solely on the ground that he failed to establish his status as the adopted son of the deceased cannot be sustained and is accordingly set aside. Considering the facts and circumstances of the case and the evidence available on record, this Court deems it appropriate to determine the compensation payable to the petitioner for the death of the deceased.

19. During the course of arguments, learned counsel for the petitioner/appellant has also furnished a copy of the order passed in S.O.P.No.2 OF 2011, which was filed by the petitioner himself, for obtaining a succession certificate and basing on the said order, the death benefits of the

deceased were awarded to the petitioner herein. Even otherwise it cannot be disputed that the petitioner is the adopted son of the deceased.

20. Now, coming to the quantum of compensation in MACMA No.288 of 2022, though it is the case of the petitioner that the deceased, who is the father of the petitioner, was an agriculturist and was earning Rs.400/- per day, in the absence of any documentary evidence to establish the income of the deceased, the income has to be assessed by taking into consideration the minimum wages prevailing as on the date of the accident, as held by the Hon'ble Apex Court. Accordingly, considering the minimum wages payable in the year 2011 for an unskilled labourer as Rs.141/- per day, the monthly income of the deceased is arrived at Rs.4,230/- ( $\text{Rs.141} \times 30$ ). After deducting 1/3rd of the income towards personal expenses of the deceased, his contribution to the family comes to Rs.2,820/- per month. Further, following the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi**<sup>1</sup>, 30% of the income is added towards future prospects. Thus, the monthly income of the deceased, including future prospects, comes to Rs.3,666/- ( $\text{Rs.2,820/-} + \text{Rs.846/-}$ ). Applying the appropriate multiplier of '14', applicable to the age of the deceased, i.e., 44 years, as reflected in Ex.A2/Post Mortem Report, the loss of dependency is calculated at Rs.6,15,888/- ( $\text{Rs.3,666} \times 12 \times 14$ ), in accordance with the

---

<sup>1</sup> 2017 ACJ 2700

principles laid down by the Hon'ble Apex Court in **Sarla Verma v. Delhi Transport Corporation<sup>2</sup>**.

21. Apart from the above, the petitioner is entitled to Rs.15,000/- towards loss of estate, Rs.15,000/- towards funeral expenses and Rs.40,000/- towards parental consortium, in terms of the judgment of the Hon'ble Apex Court in **National Insurance Company Limited v. Pranay Sethi**. Thus, the total compensation payable in MACMA No.288 of 2022 is arrived at Rs.6,85,888/-.

22. Coming to the quantum of compensation in MACMA No.289 of 2022, though it is the case of the petitioner that the deceased, who is the mother of the petitioner, was an agriculturist and was earning Rs.400/- per day, in the absence of any documentary evidence regarding her income, the same is required to be assessed by taking into consideration the minimum wages prevailing as on the date of the accident. Accordingly, considering the minimum wages payable in the year 2011 for an unskilled labourer as Rs.141/- per day, the monthly income of the deceased is arrived at Rs.4,230/- (Rs.141 × 30). After deducting 1/3rd towards personal expenses of the deceased, her contribution to the family comes to Rs.2,820/- per month. Further, following the principles laid down by the Hon'ble Supreme Court in **National Insurance Company Limited v. Pranay Sethi**, considering the age of the deceased as 35 years, 40% of the income is added towards future prospects. Accordingly, the monthly income of the deceased, including future

---

<sup>2</sup> 2009 ACJ 1298

prospects, comes to Rs.3,948/- (Rs.2,820/- + Rs.1,128/-). Applying the appropriate multiplier of '16', applicable to the age of the deceased, i.e., 35 years, as reflected in Ex.A2/Post Mortem Report, the loss of dependency is calculated at Rs.7,58,016/- ( $\text{Rs.3,948} \times 12 \times 16$ ), in accordance with the principles laid down by the Hon'ble Apex Court in **Sarla Verma v. Delhi Transport Corporation**.

23. In MACMA No.289 of 2022, no separate compensation under the conventional heads is awarded, as the same has already been granted in MACMA No.288 of 2022. Hence, the petitioner is entitled to a total compensation of Rs.7,58,016/-.

24. Accordingly, MACMA No.288 of 2022 is allowed, awarding compensation of Rs.6,85,888/- to the petitioner, together with interest at the rate of 6% per annum from the date of filing of the claim petition till the date of realization, subject to payment of the deficit court fee, if any, by the petitioner before the Tribunal within a period of 30 days from the date of receipt of a copy of this judgment. There shall be no order as to costs.

25. Accordingly, MACMA No.289 of 2022 is allowed, awarding compensation of Rs.7,58,016/- to the petitioner, together with interest at the rate of 6% per annum from the date of filing of the claim petition till the date of realization, subject to payment of the deficit court fee, if any, by the petitioner before the Tribunal within a period of 30 days from the date of receipt of a copy of this judgment. There shall be no order as to costs.

As a sequel, pending interlocutory applications, if any, shall stand closed.

Date: 30.07.2026  
KGR

---

**JUSTICE V. SUJATHA**