



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

[3311]

Saturday, the Thirty First day of January, Two Thousand and Twenty Six

present

The Honourable Ms.Justice B.S.Bhanumathi

M.A.C.M.A. No: 3414 of 2005

Between:

1.A.P.S.R.T.C., represented by its General Manager [Managing Director], Mushirabad.

...Appellant

and

1.Regulla Mariyamma, W/o. Late Mallaiah, Hindu, aged 45 years
Someswaram, Ramachandrapuram D.M.C.

2.Regulla Mallikarjuna Rao, S/o. Late Mallaiah, Hindu, aged 30 years,
employee Visakhapatnam, Vizag D.M.C.

3.Regulla Malleswara Rao, S/o. Late Mallaiah, Hindu, aged 24 years,
Someswaram, Ramachandrapuram D.M.C.

4.Masabathula Mallika Devi, W/o.Venkateswara Rao, Hindu, aged 29
years, Rayavaram, Ramachandrapuram D.M.C.

5.Regulla Mallikamba, D/o.Late Mallaiah, Hindu, aged 26 years,
Rayavaram, Ramachandrapuram D.M.C.

6.Soramreddy Arjuna Rao, S/o. Kannayya, Hindu, R.T.C. Driver,
E.450688, Ramachandrapuram Depot, Ramachandrapuram D.M.C.
[Respondent No.6 not necessary to this petition]

...Respondents

Counsel for the Appellant:

1.K.Srinivasa Prasad, standing counsel for A.P.S.R.T.C.

Counsel for the Respondents:

1.K.Venkatesh

The Court made the following JUDGMENT:

This appeal is filed under section 173 of the Motor Vehicles Act, 1988 against the award and the decree dated 22.01.1996 in O.P.No.1466 of 1992 on the file of the Motor Accidents Claims Tribunal-cum-First Additional District Judge, Rajahmundry.

2. The respondents Nos.1 to 5 are the claimants, the respondent No.6 is the respondent No.1 and the appellant is the respondent No.2 before the Tribunal.

3. The claimants filed the petition seeking compensation of Rs.3,00,000/- for the death of Regulla Mallaiah in a motor vehicle accident pleading the case as follows:

On 05.07.1992 at about 9.45 a.m. when the deceased was proceeding on a scooter bearing No.A.I.P.8436 on the road leading from Oduru towards Ramachandrapuram, near Kanakadurga temple, the vehicle bearing registration No.AE Z 2394 relating to the respondent No.2 and driven by the respondent No.1 in a rash and negligent manner hit the deceased. As a result, the deceased was tossed on the road. He sustained multiple injuries on his head. The injured was admitted in the Government General Hospital, Kakinada. While undergoing treatment, the injured succumbed to injuries on the same day. The deceased was working as Security Supervisor in O.N.G.C., East Godavari, Rajahmundry. His gross salary was Rs.3,600/- per month. His net salary was Rs.3,000/- per month. Prior to his joining in O.N.G.C., he worked in army and was earning Rs.300/- as pension. The petitioners are the dependants.

4. The respondent No.1 did not contest the petition and remained *ex parte*. The respondent No.2 filed a counter opposing the petition and denied the allegations and further submitted that the accident was caused due to the mistake of the deceased himself and that his negligence contributed to the accident.

5. On behalf of the claimants, two witnesses were examined and documentary evidence Exs.A1 to A8 were marked.

PW1: Rugulla Mariyamma / claimant No.1

PW2: Avidi Janakiramaiah

Ex.A1: Certified copy of F.I.R. in Cr.No.72 of 1992 of S.H.O. Ramachandrapuram.

Ex.A2: Certified copy of charge sheet in C.C.No.182 of 1992 of Additional J.F.C.Magistrate, Ramachandrapuram.

Ex.A3: Certified copy of M.V.Inspector's report in Cr.No.72/1992 of Ramachandrapuram police station.

Ex.A4: Certified copy of postmortem certificate of deceased Regulla Mallaiah.

Ex.A5: Salary certificate of the deceased Regulla Mallaiah issued by O.N.G.C.authorities.

Ex.A6: Photostat copy of Ex.Serviceman certificate.

Ex.A7: Driving license of the deceased.

Ex.A8: Pay slip of the deceased for the month of January,1992.

6. On behalf of the respondent No.2, the respondent No.1 was examined as R.W.1. No documentary evidence was filed.

7. After hearing both the parties and considering the arguments, the Tribunal, having evaluated the evidence of P.W.2 who is an eye witness to

the accident, and the evidence of R.W.1 who is accused of the rash and negligent driving for causing accident, observed that the accident occurred due to the rash and negligent driving of the respondent No.1.

8. In so far as the quantum of compensation is concerned, the Tribunal assessed that the deceased had contributed to his family @ Rs.2,500/- per month. The deceased was said to be 50 years of age as on the date of the accident, the Tribunal adopted multiplier 7.68 rounded off to the nearest figure 8 and calculated the loss of estate at Rs.2,40,000/-. In addition thereto, the Tribunal awarded Rs.10,000/- towards pain and suffering and further sum of Rs.10,000/- towards loss of consortium. Thus, in total, the Tribunal held that the claimants Nos.1,3 and 5 are entitled to Rs.2,60,000/- with costs and interest @ 12 % p.a., on the amount of compensation from the date of petition till the realization. The claim of the claimants Nos.2 and 4 was dismissed.

9. Aggrieved by the award and the decree, this appeal was preferred by the respondent No.2 on 04.12.1996 along with a petition in C.M.A.M.P.No.18628 of 1996 under section 5 of Limitation Act to condone delay of 187 days in filing the appeal. As the respondents / claimants filed a counter along with the petition to vacate the stay order and the learned counsel for the respondents reported no objection to condone the delay, the petition was allowed on 08.12.2005. Accordingly, the appeal was numbered as 3414 of 2005 on 08.12.2005.

10. Vide order dated 08.12.2005 in C.M.A.M.P.No.19186 of 1996, the order of interim stay earlier granted on the condition of the appellant depositing half of the decretal amount was made absolute and the respondents / claimants were permitted to withdraw the same amount without furnishing any security. C.M.P.No.11539 of 2004 in

C.M.P.No.19186 of 1996 was filed by the respondents Nos.1, 3 and 5 / claimants Nos.1, 3 and 5 for withdrawal of the amount already deposited by the appellant in pursuance of the order of this Court dated 09.12.1996 in C.M.P.No.19186 of 1996 in C.M.A.(S.R).No.71655 of 1996.

11. Before the appeal was numbered on allowing the delay condonation petition, the Registry recorded in the cause title of the appeal that as per the order dated 01.02.2000, the proceedings against the respondents Nos.1, 3 and 5 were dismissed for default. As such, it was recorded on 11.12.2025 that the learned counsel for the appellant requested time to take steps to get the appeal restored against them. However, perusal of the entire proceedings as noted above, shows that the respondents / claimants made appearance by filing petition in C.M.P.No.11539 of 2004 in C.M.P.No.19186 of 1996, the appeal is ripe for hearing.

12. The respondents Nos.2 and 4 / claimants No.2 and 4 and the respondent No.6 / respondent No.1 are shown as not necessary parties.

13. Heard the learned counsel for the appellant. Sri K.Rajasekhar, learned counsel representing the learned counsel for the respondents Nos.1, 3 and 5 submitted that the appeal has no merit as the Tribunal had given valid reasons.

14. The learned counsel for the appellant submitted that the Tribunal ought to have dismissed the whole claim considering the contributory negligence on the part of the deceased and exonerating respondent No.1 / driver of the bus from any liability by duly considering the evidence of the driver / R.W.1, and that the Tribunal erred in believing the entire evidence of P.W.2, who had not even given any complaint of the accident and therefore, his presence at the site of the accident is un-believable. He further submitted that the Tribunal erred in awarding huge amount of

compensation without deducting $1/3^{\text{rd}}$ of the net salary of the deceased towards his personal expenditure.

15. In so far as the rash and negligence of the driver of the bus is concerned, the Tribunal has not given weight to his evidence as R.W.1 because he did not choose to contest the matter by filing written statement denying his negligence and pleading fault of the scooterist and further that he is an interested witness and the respondent No.2 failed to examine any other eye witness to establish that the accident was caused due to the fault of the scooterist. The Tribunal believed the evidence of P.W.2 as he is an independent witness and police also registered a case and charge sheeted the driver of the bus. Under these circumstances, the Tribunal held the issue of negligence of the driver of the bus in favour of the claimants. This Court does not see any reason to interfere with the findings given by the Tribunal supported by valid reason to reach the said conclusions.

16. In so far as the quantum of the compensation is concerned, though the monthly salary of the deceased was Rs.3,529/- for the month of January, 1992, there is no proof that the deceased was receiving pension as an ex-service man. The Tribunal has taken Rs.2,500/- only as monthly contribution of the deceased to the family. Therefore, it is incorrect to contend that the Tribunal had not deducted $1/3^{\text{rd}}$ of the income of the deceased towards his personal expenses. Thus, there is no valid basis for the argument that the Tribunal erred in quantifying the amount of compensation. The other amounts awarded are also just and reasonable. Thus, this Court does not see any reason to interfere with the award and the decree of the Tribunal.

17. Accordingly, appeal is dismissed.

There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in this appeal shall stand closed.

JUSTICE B.S.BHANUMATHI

Date: 31.01.2026.
GRL

74**HON'BLE Ms. JUSTICE B.S.BHANUMATHI****M.A.C.M.A.No.3414 of 2005**Date: 31.01.2026
GRL

