



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

[3505]

FRIDAY, THE FIRST DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 61/2020

Between:

- 1.CHEVURU GEETHA, WIFE OF LATE CHEVURU SESHIAH, AGE 41 YEARS
- 2.CHEVURU RADHIKA,, DAUGHTER OF LATE CHEVURU SESHIAH, AGE 17 YEARS
- 3.CHEVURU MADHUMITA,, DAUGHTER OF LATE CHEVURU SESHIAH, AGE 15 YEARS
- 4.CHEVURU RAMANAMMA,, WIFE OF LATE VENKATAIAH, HINDU, AGE 65 YEARS, MOTHER OF CHEVURU GEETHA HEREIN) (CLAIMANTS 2 AND 3 BEING MINORS, REPRESENTED BY THEIR GUARDIAN MOTHER 1ST APPELLANT CHEVURU GEETHA HEREIN) ALL ARE RESIDING AT THONUKUMALA VILLAGE, CHILLAKUR MANDAL, SPSR NELLORE DISTRICT.

...APPELLANT(S)

AND

- 1.R ANANDA RAO, SON OF R.KRISHNAIAH, HINDU, OWNER OF PRIVATE BUS BEARING NO.AP-26-9509, WHICH WAS HIRED WITH A.P.S.R.T.C(R.3), RESIDING AT BAPUJI COLONY, SULLURPET V AND MANDAL, SPSR NELLORE DISTRICT.
- 2.UNITED INDIA INSURANCE COMPANY LTD, REPRESENTED BY ITS DIVISIONAL MANGER, BRINDAVANAM, NELLORE.
- 3.A P S R T C, REP. BY ITS MANAGING DIRECTOR, MUSHEERABAD,

HYDERABAD

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High CourtMACMA before this Hon'ble Court against the Decree and Order dated 22.05.2017 passed in M.V.O.P,No.499 of 2014 on the file of Motor Accidents Claims Tribunal, Gudur

IA NO: 1 OF 2020

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 of 0, III) days in filing the appeal against the Decree and Order dated 22.05.2017 passed in M.V.O.P.No.499 of 2014 on the file of Motor Accidents Claims Tribunal, Gudur in the interest of justice.

Counsel for the Appellant(S):

1.D KODANDARAMI REDDY

Counsel for the Respondent(S):

1.N RAMA KRISHNA

2.

The Court made the following Judgment:

Aggrieved by an order, dated 22.05.2017, in M.V.O.P No.499 of 2014 on the file of the Motor Accidents Claims Tribunal, Gudur, the present Appeal is preferred by the claimants.

2. For the sake of convenience, the parties are referred to as they were mentioned in the claim petition. The claimants (wife, children and mother) of the deceased Chevuru Seshiah, filed claim petition, under Section 166 of Motor Vehicles Act, claiming compensation of Rs.6,00,000/- together with interest @12% per annum, on account of the death of the deceased in the accident that occurred, on 19.02.2014, in which bus bearing registration No.AP-26-Y-9509 hired by 3rd respondent - A.P.S.R.T.C. was involved.

3. It was the case of the claimants that the deceased was proceeding in Motorcycle bearing registration No.AP-28-AN-8964 from Gudur towards Chillakur bypass road, at about 08:30 P.M., on 19.02.2014. When he reached Saibaba Temple opposite to L.I.C. Office, Gudur, offending bus hired by A.P.S.R.T.C. came at high speed, in rash and negligent manner without blowing horn and dashed the Motorcycle on which the deceased was travelling. As a result of which, the deceased fell down on the road and sustained severe bleeding injuries all over the body. The deceased was immediately shifted to Government Hospital, Gudur and later, he was shifted to Government Hospital, Nellore for better treatment. While undergoing treatment, the deceased succumbed to the injuries, on 20.02.2014 at 1:45

A.M.. A case in Crime No.19 of 2014 was registered against the driver of the offending bus on the file of Gudur Rural Police Station. Later, the same was investigated into and charge sheet was filed. It was further case of the claimants that the deceased was hale and healthy as on the date of accident and was aged about 40 years. It was further stated that the deceased was doing painting works and maintaining the family. In view of the sudden demise of the deceased, the claimants have lost their financial support, love and affection. In those circumstances, they approached the Tribunal, by filing the claim petition, seeking to pay compensation of Rs.6,00,000/- together with interest.

4. The claim petition was resisted by the 1st respondent and denied that the accident was occurred due to the negligence of the driver of the offending bus. It was further stated that the bus was insured with the 2nd respondent – Insurance Company, and therefore, if at all any compensation was to be paid, the same has to be paid by the Insurance Company alone. A separate counter-affidavit was filed by the 2nd respondent, stating that the driver of the bus had no valid driving license as on the date of accident and thereby, the 1st respondent has violated the terms and conditions of the policy, and as such, the 2nd respondent is not liable to pay compensation. The 3rd respondent has filed counter-affidavit denying the averments made in the claim petition. It was further denied that there was negligence on the part of the driver of the offending bus and the accident was occurred due to the negligence of the rider of the motorcycle. The Tribunal, after enquiry,

partly-allowed the claim petition by awarding an amount of Rs.4,20,000/-, under various heads towards compensation by fastening the liability on the respondents 1 & 2 i.e., owner and insurer of the offending bus. The 3rd respondent - A.P.S.R.T.C. was exonerated from the liability.

5. Not satisfying with the quantum of compensation awarded by the Tribunal, the claimants filed the present Appeal.

6. Heard the learned counsel appearing for the appellants and the learned counsel appearing for the 2nd respondent – Insurance Company. Despite service of notice, there is no appearance on behalf of the respondents 1 & 3.

7. Perused the material available on record.

8. The learned counsel appearing for the appellants would submit that, it was specifically pleaded before the Tribunal that the deceased was painter by avocation and he was contributing his entire earnings to maintain the family. He would further submit that the deceased was earning an amount of Rs.400 per day. Despite a specific plea in the claim petition, and the same was reiterated by the daughter of the deceased in her evidence as P.W.1., the Tribunal, without considering the same in proper perspective, brushed aside the contention of the appellants.

9. On the other hand, the learned counsel appearing for the 2nd respondent, would submit that, in order to prove that the deceased was a

painter and earning Rs.400 per day, the claimants have not placed anything on record to substantiate their contention.

10. A perusal of the record would go to show that there was a specific plea that the deceased was painter. Further, the daughter of the deceased was examined as P.W.1, who categorically deposed in her evidence that the deceased was a painter by avocation. Despite the same, the Tribunal brushed aside the averments made in the claim petition and as well as the evidence of P.W.1, on the ground that there was no documentary evidence placed on record. In this context, this Court is unable to understand the finding of the Tribunal as to what documents have to be filed to show that the deceased was painter. Further, though the P.W.1 was cross-examined at length, the suggestions made by the Insurance Company were denied.

11. In such circumstances, it can be held that the petitioner was doing painting works as on the date of accident. Therefore, the Tribunal erred in fixing the income of the deceased as Rs.4,000/- per month.

12. The learned counsel appearing for the 2nd respondent would submit that, as on the date of accident, the income of the coolie as per Minimum Wages Act, 1948, would be around Rs.200/- per day and the same has to be taken into consideration, if it all the compensation is to be enhanced. The contention of the learned counsel appearing for the 2nd respondent cannot be accepted, for the reason that the deceased was not coolie and he was painter by avocation.

13. In such circumstances, the average income of a painter would be around Rs.250/- per day, and accordingly, the appellants are entitled to receive compensation.

14. In that view of the matter, the amount of compensation that are entitled to be received by the appellants is computed as under:

Description of the head	Amount entitled in Rupees
Net Annual Income	Rs.7500x12=Rs.90,000/-
Future prospects (at the age of 40 years)	Rs.22,500 (i.e.,25% of the income)
Total income	Rs.1,12,500/-
Deduction towards personal expenditure (i.e., 1/4 th)	Rs.28,125/-
Total annual loss of dependency	Rs.84,375/-
Multiplier of 15 for the age 40 years	Rs.12,65,625/- (84,375x15)
Conventional heads	
1. Loss of consortium (4 claimants)	Rs.1,60,000/- (40,000x4)
2. Loss of estate	Rs.15,000/-
3. Funeral expenses	Rs.15,000/-
Total compensation	Rs.14,55,625/-
Tribunal awarded = Rs.4,20,000/-	High Court Awarded = Rs.14,55,625/-

15. The learned counsel appearing for the 2nd respondent would further submit that the claim of the appellants was limited to an amount of Rs.6,00,000/- and therefore, they are not entitled to receive compensation beyond what has been claimed in the petition. In this context, it is pertinent to note that the Court is duty bound to award just compensation to the claimants, especially while dealing with the matters arise under beneficial legislation. Further, the Hon'ble Apex Court in the case of **Ramla & Ors. Vs. National Insurance Company Limited**¹, had held that, just compensation has to be awarded to the claimants despite they have restricted their claim to a lesser amount. In that view of the matter, the contention of the learned counsel appearing for the 2nd respondent is liable to be rejected.

16. For the foregoing reasons, this Appeal is allowed and the 2nd respondent – Insurance Company is directed to pay the enhanced amount of Rs.14,55,625/- together with interest @ 7.5% per annum from the date of petition till the date of realization.

There shall be no order as to costs.

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

JUSTICE T. C. D.SEKHAR

Date:01.05.2026
KPV

¹ (2019) 2 SCC 192

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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

M.A.C.M.A. No:61 of 2020

01.05.2026

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