



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

[3311]

Thursday, the Eleventh Day of December
Two Thousand and Twenty Five

Present

The Honourable Ms. Justice B.S.Bhanumathi

Motor Accident Civil Miscellaneous Appeal No: 3539 of 2005

Between:

Kallakuri Jhansi

...Appellant

and

Sri K.Ranganadham Mudaliar and others

...Respondents

Counsel for the appellant:

1.N.Siva Reddy

Counsel for the respondents:

1.Vinod Kumar Tarlada (S.C. for A.P.S.R.T.C.)

2.Mutevi Muralikrishna

3.R.K. Suri

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 16.09.2005 in M.V.O.P.No.310 of 2001 on the file of the Motor Accidents Claims Tribunal-cum-II Additional District Judge, East Godavari, Rajahmundry.

2. The appellant filed the claim petition against the respondents before the Tribunal.

3. The case of the claimant is briefly as follows:

a. On 13.09.2000, when the claimant and others were travelling in a motor cab (Jeep) bearing No.AP 03 V 2876 from Tirupati to Kanipakam, near Venganapalli Village, the respondent No.1 who is the driver of A.P.S.R.T.C. Bus bearing No.AP 9 Z 6661 belonging to the respondent No.2, coming in the opposite direction, hit the cab driving the bus in a rash and negligent manner. As a result, the driver of the cab and two others died on the spot and the claimant and some others received injuries. The claimant was shifted to the Government Hospital, Chittoor and later to the Apollo Hospital, Aragonda and later to the Yasoda Hospital, Hyderabad due to her precarious condition. Her husband also died in the accident. She incurred Rs.1,00,000/- for her treatment after the accident, she is unable to attend her normal work. The respondent No.3 is the owner of the cab and the respondent No.4 is its insurer. She claimed compensation of Rs.2,00,000/- against the respondents Nos.1 to 4.

4. The respondents Nos.1 and 3 remained *ex parte*.

5. The respondent No.2 filed counter opposing the claim and denying the averments.

6. The respondent No.4 filed a separate counter opposing the claim and denying the averments and further disowning its liability stating that the vehicle bearing No.AP 03 V 2876 was not insured by it.

7. The claimant was examined as P.W.1 and the following persons were examined:

- P.W.2 : Boddu Srinivasa Rao
- P.W.3 : Dr.K.V. Ramana Kumar
- P.W.4 : Dr. A. Aravind Kumar
- P.W.5 : Dr. B.Bhuvaneshwara Raju
- P.W.6 : Dr. B. Venkata Swamy

The following documents were marked on behalf of the claimant:

- Ex.A.1 : Certified copy of F.I.R. in Cr.No.75 of 2000, dated 13.09.2000.
- Ex.A.2 : Certified copy of accident information report.
- Ex.A.3 : Certified copy of Motor Vehicle Inspector report, dt.18.12.2000.
- Ex.A.4 : Certified copy of charge sheet, dt.18.12.2000.
- Ex.A.5 : Certified copy of wound certificate, dt.13.09.2000.
- Ex.A.6 : Certified copy of wound certificate, dt.13.09.2000.
- Ex.A.7 : X-ray film.
- Ex.A.8 : X-ray film.
- Ex.A.9 : X-ray film.
- Ex.A.10 : Bunch of medical bills.
- Ex.A.11 : Bunch of medical bills.
- Ex.A.12 : Case summary issued by Yasoda Hospital.
- Ex.A.13 : Case summary of Saileela Hospital, Amalapuram.
- Ex.A.14 : Case summary of Apollo Hospital, Aragonda.
- Ex.A.15 : Case summary issued by United Scanning & Endoscopic Centre, Amalapuram.
- Ex.A.16 : Certified copy of Judgment in C.C.No.1 of 2001.

8. On behalf of the respondents, K.Ranganatha Mudaliar was examined as R.W.1, M.Madhavarao was examined as R.W.2., and Copy of Insurance policy was marked as Ex.B.1.

9. Considering the evidence on record and the contentions of both the parties, the Tribunal concluded that the drivers of both the vehicles are equally responsible in causing the accident and that the vehicle bearing No. AP 03 V 2876 was not shown to be insured by the respondent No.4. The Tribunal arrived the quantum of compensation at Rs.68,000/- and apportioned the liability equally between the respondents Nos.1 and 2 on one hand to pay Rs.34,000/- with joint and several liability and the respondent No.3 to pay Rs.34,000/-, while dismissing the claim against the respondent No.4. The Tribunal awarded proportionate costs and interest @7 ½ % p.a. payable from the date of the petition till the date of deposit.

10. Aggrieved by the same, this appeal was filed contending that the claim ought to have been allowed against all the respondents and that the amount of compensation granted is low.

11. The learned counsel for the appellant, assisted by Sri K.Srinivasa Rao, argued as stated in the grounds of appeal. The appeal against the respondent No.1 was dismissed for default. The notice sent to the respondent No.3 was refused.

12. Sri Y.Chakradhara Raja, learned counsel assisting the learned Standing Counsel for the respondent No.2 opposed increase of the quantum of compensation.

13. There is no representation for the respondent No.4.

14. Insofar as liability of the respondent No.4 is concerned, the Tribunal rightly held that the vehicle bearing No.AP 03 V 2876 was not insured by the respondent No.4 as can be seen from the evidence of

R.W.2 which shows that the cover note No.038323 mentioned in the M.V.I. report corresponds to policy No.550904/99/6101878 issued relating to vehicle bearing No.AP 03 C 2331 for the period 20.12.1999 to 19.12.2000. There is no other evidence on record to dispute the same and fasten liability on the respondent No.4 as well. Therefore, the contention of the appellant in this regard has no merit.

15. Insofar as quantum of compensation is concerned, as the Tribunal awarded adequate amount under different heads as per the evidence on record, no interference in the appeal is required.

16. Accordingly, the Motor Accident Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

Interim orders granted earlier, if any, shall stand vacated.

Pending miscellaneous applications, if any, shall stand closed.

B. S. BHANUMATHI, J

Dt.11.12.2025
NSM

122

The Honourable Ms. Justice B.S.Bhanumathi**Motor Accident Civil Miscellaneous Appeal No: 3539 of 2005**

Dt.11.12.2025
NSM