

APHC010676072015



Date of reserved for Judgment : 22.12.2025

Date of Pronouncement : 10.04.2026

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[3520]

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

Friday, The Tenth Day Of April Two Thousand And Twenty Six

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2294/2015

Between:

1. THE ORIENTAL INSURANCE CO., LTD., REP. BY ITS DIVISIONAL
 MANAGER, DIVISIONAL OFFICE, BALAJI COLONY, TIRUPATHI
 CHITTOOR DISTRICT

...APPELLANT

AND

1. GUDDU GURRAMMA 4 OTHERS, W/O LATE GURRAPPA, AGED 45
 YEARS, OCC: HOUSEWIFE

2. GIDDU SIVA JYOTHI, D/O LATE GURRAPPA AGED ABOUT 22
 YEARS, HINDU UNMARRIED

3. GODDU SIVA PRASAD, S/O LATE GURRAPPA, AGED ABOUT 19
 YEARS, HINDU OCC: STUDENT

4. GODDU SIVA SANKAR, S/O LATE GURRAPPA, AGED ABOUT 17
 YEARS, HINDU OCC: STUDENT MINOR REPRESENTED BY NEXT
 FRIEND MOTHER ET RESPONDENT) (ALL ARE R/O D.NO. 89/9
 NEAR WATER TANK, ANGADI VEEDHI, MAMILLAPALLI VILLAGE
 C.K. DINNE MANDAL KADAPA DISTRICT)

5. SHAIK RAFI, S/O CHINNA KHADER, AGE NOT KNOWN BUT MAJOR,
 MUSLIM, OWNER OF THE CAR BEARING NO. AP 26 TYTR 3428 R/O
 D.NO. 20-2-628/D2/9, SANJAY GANDHI NAGAR, TIRUPATHI TOWN,
 CHITTOOR DISTRICT.

...RESPONDENT(S):

Counsel for the Appellant:

1.GUDI SRINIVASU

Counsel for the Respondent(S):

1.V HEMANTH KUMAR

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**M.A.C.M.A.No.2294 of 2015****JUDGMENT:****Introductory:**

The challenge in this appeal is against the Orders and Decree dated 04.06.2014, modified on review vide order dated 13.08.2014, passed by the Motor Accidents Claims Tribunal-cum-VI Additional District Judge, Kadapa (for short "the learned MACT") in M.V.O.P. No.601 of 2012. The 2nd respondent (*the Oriental Insurance Company Limited*), before the learned MACT, filed the present appeal.

2. The 1st respondent before the learned MACT remained ex-parte after filing written statement and he is the 5th respondent herein. Respondents 1 to 4 herein are the claimants before the learned MACT.

3. For the sake of convenience, parties will be hereinafter referred to as the claimants/petitioners and the respondents with reference to their status before the learned MACT.

Case of the claimants/respondents 1 to 4 herein:

4. [i] One Goddu Gurappa [*hereinafter referred as 'the deceased'*], aged about 53years, hale and healthy and working as a Watchman in South Central Railway, Kadapa, earning Rs.23,324/- per month While he was travelling on his Honda Activa motorcycle on 02.05.2012 morning to go to Government

Polytechnic College, along with the 4th claimant, who was attending Polytechnic entrance Examination and when they reached near Mahila ITI, after crossing Gurukula Patasala on Kadapa to Rajampet main Road, a car bearing No.AP 26 TYTR 3428 [for short 'the offending vehicle'], insured with the 2nd respondent, came in an opposite direction driven by its driver in a rash and negligent manner and dashed the motorcycle on which the deceased was travelling. Injured were shifted to RIMS Hospital, Kadapa, where it was declared that the deceased died.

[ii] A case in Crime No.70 of 2012 of Kadapa Traffic Police Station was registered and charge sheet also laid against the driver of the offending vehicle.

[iii] Claimant No.1 is the wife, and the Claimants No.2 to 4 are the children. They are the legal heirs and dependents on the deceased.

[iv] 1st respondent is the owner and the 2nd respondent is the insurer, of the offending vehicle. Thus, both of them are liable to pay the compensation of Rs.30,00,000/-.

Case of Respondent No.1:

5. Vehicle was insured with the 2nd respondent. There are no violations of conditions of the Insurance Policy. The 1st respondent is not liable.

Case of Respondent No.2:

6. [i] Negligence of the deceased is the cause for the accident.
- [ii] Petition is bad for non-joinder of the Insurance Company of the Honda Activa motor cycle.
- [iii] The petitioners shall prove age, occupation and income of the deceased, negligence of the driver of the offending vehicle and dependency of the claimants.
- [iv] The entitlement of the claimants, liability shall be proved.
- [v] In any event, quantum of compensation claimed is excessive,

Evidence before the learned MACT:

7. [i] Claimant No.1- Goddu Guramma, wife of the deceased as PW.1 stated about the death of the deceased due to the accident, relationship of the claimants with the deceased; age, occupation and income of the deceased. She is not an eyewitness to the accident. She has stated that as per Aadhaar card shown to her, the year of birth of her husband/deceased is 1956 and he was having two years of service by the date of accident. She is getting pension of Rs.9000/- and they have applied for compassionate appointment of her son, due to death of her husband. She has denied the suggestion that salary mentioned in Ex.A6-Salary Certificate is exaggerated.
- [ii] PW.2- claimant No.4 is an eyewitness to the accident, stated about the occurrence of the accident and negligence of the driver of the

offending vehicle. He has denied the suggestions that there was no driving license to the deceased and that the negligence of the deceased is the cause for the accident.

[iii] PW.3- O.Soma Sekhar Reddy, working in the South-Central Region stated about his authorization to give evidence as to salary particulars of the deceased, covered by Exs.X1 to X3, pertaining to the deceased and that gross salary of the deceased is Rs.23,324/- and net salary is Rs.16,971/-. During his cross-examination, it is elicited that the age of the deceased is '53'.

[iv] Further the claimants relied on Ex.A1-FIR, A2-charge sheet, A3-Postmortem Certificate, A4-Inquest report, Ex.A5-M.V.I. report, A6-Salary Certificate.

[v] No evidence is adduced on behalf of the respondents.

Findings of the Learned MACT:-

8. [i] In view of the evidence of PW.2, eyewitness and the crime record- FIR, charge sheet, etc., negligence of the driver of the offending vehicle is believed. Violations of conditions of the Insurance Policy, if any, are not proved.

[ii] After excluding the transport allowance and HRA, the net salary of the deceased can be accepted at Rs.19,546/- per month and the annual income at Rs.2,34,552/-. After adding 15% towards future prospects at

Rs.35,173/-, the total income would be Rs.2,69,725/-. On deduction of 1/4th of income of the deceased towards personal expenditure, contribution of the deceased to the family members comes to Rs.2,42,753/- p.a.

[iii] For the age of the deceased at '56' multiplier '8' is applicable, whereby the entitlement of the petitioners/claimants comes to Rs.14,56,520/- towards loss of dependency. Rs.15,000/- towards loss of estate, Rs.3000/- towards transportation and Rs.3000/- towards funeral expenses, and Rs.15,000/- to the 1st claimant towards loss of consortium. In all the claimants are entitled to Rs.14,92,520/- with interest @7.5%p.a..

[iv] However, on entertaining an application for review in terms of Order- 41, Rule-1 vide I.A. No.776 of 2014, the learned MACT found that as per the evidence on record, age of the deceased was '53', by mistake age of the deceased was taken as '56' while disposing the case and multiplier '8' was adopted instead of '11'. Therefore, there was an error apparent on the face of record in the quantification of compensation, however, upon proper calculation, the entitlement of the claimants compensation comes to Rs.20,38,715/-.

Arguments in the appeal:

For the appellant/Insurance Company:

9. [i] Learned MACT has no power to review its orders, and Order- 47, Rule 1 is not applicable to the proceedings before the learned MACT.

Therefore, entertaining a review application vide I.A. No.776 of 2014 is not correct.

[ii] Wife is getting pension of Rs.9000/- and compassionate appointment of the son of the deceased is likely. Therefore, the acceptance of loss of dependency of claimants is not correct on the part of the Tribunal,

For the claimants:-

10. [i] Learned MACT was right in entertaining an application for review.

[ii] There is no bar to entertaining an application for review, where there is error apparent on the face of the record;

[iii] The receipt of pension by a family member or the grant of compassionate appointment to a family member is not a bar to award compensation in terms of Motor Vehicles Act.

11. Perused the record.

12. Heard both sides extensively and thoughtful consideration is given to the arguments advanced on both sides.

13. The points that arise for determination are:

(1) Whether the Motor Claims Tribunal has power to review its orders and whether the learned MACT is justified in entertaining the review application vide I.A.No.776 of 2014?

(2) Whether the entitlement of the claimants for compensation and the liability of the respondents to pay the same as well as the quantification there of decided under the impugned order and the decree, dated 04.06.2014 in M.V.O.P.No.601 of 2012 and under the order on review dated 13.08.2014 are proper or require any interference? If so, on what grounds and to which extent?

(3) What is the result of the Appeal?

Point No.1:-

Power to review – jurisprudence:-

14. (i). The Hon'ble Apex Court in ***United India Insurance Co. Ltd vs. Rajendra Singh and others***¹, observed that the Tribunal / High court will have power of review where fraud deducted and award can be recalled.

(ii) In ***Board of Control for Cricket in India and Another vs. Netaji Cricket Club and Others***², the Hon'ble Apex Court considered the scope of Section 114 of CPC and Order 47 Rule 1 of CPC scope of review particularly mistake on the part of the Court. More particularly, the doctrine '*actus curiae neminem gravabit*'. The relevant observations are made in Para Nos.89 and 90 which are as follows:

“89. Order 47 Rule 1 of the Code provides for filing an application for review. Such an application for review would be maintainable not only upon discovery of a new and important piece of evidence or when there

¹ (2000) 3 SCC 581

² (2005) 4 SCC 741

exists an error apparent on the face of the record but also if the same is necessitated on account of some mistake or for any other sufficient reason.

90. *Thus, a mistake on the part of the court which would include a mistake in the nature of the undertaking may also call for a review of the order. An application for review would also be maintainable if there exists sufficient reason therefor. What would constitute sufficient reason would depend on the facts and circumstances of the case. The words "sufficient reason" in Order 47 Rule 1 of the Code are wide enough to include a misconception of fact or law by a court or even an advocate. An application for review may be necessitated by way of invoking the doctrine "actus curiae neminem gravabit".*

(iii). In ***Oriental Insurance Company Limited vs. Kalawati Devi and Others***³, the Hon'ble Apex Court while consider Order 47 Rule 1 and scope of review observed that where the High Court has overlooked certain material, it was a fit case for review. In the said case, where an application filed under Section 170 of Motor Vehicles Act was already allowed, but the same was overlooked observing that no leave was obtained to contest the case. The Hon'ble Apex Court observed in para No.6 is as follows:

"6. Undisputedly the leave to contest the claim was granted to the insurer on 25.04.2001. Those aspects appear to have been overlooked by the High Court when the original order dated 14.11.2003 was passed. That being so, we set aside the impugned order dated 14.11.2003 in MA No.184 of 2002 and the order dated 05.07.2006 in Civil Review No.37 of 2004 stands quashed. Since the matter is pending since long we request

³ (2009) 13 SCC 767

the High Court to dispose of the matter as early as practicable, preferably within two months from the date of receipt of this order.”

Analysis and Reasoning :-

15. From the authorities referred to above, a lead can be had that where there is manifest error on the face of the record, particularly misapplication or overlooking of important material available on record is done, the review of judgment can be done by the very same Court.

16. In the facts and circumstances of the case, whether there is any error apparent on the face of the record requires examination. Learned MACT found that as against the age at '53', indicated in evidence, erroneously, taken the age of the deceased at '56', and as against the '11' multiplier applicable multiplier '8' was adopted. Therefore, there were sufficient grounds to review. It is relevant to note that, as per inquest report and post-mortem certificate, the age of the deceased is 53. The records were maintained in regular discharge of official functions. Further, it is relevant to note that PW3, the Superintendent of the Office, where the deceased worked, has stated that the age of the deceased was '53' as on the date of accident. This is elicited by the Insurance Company during cross-examination. Therefore, the age of the deceased can be taken at '53' only.

17. It can be seen from the judgment under challenge that initially learned MACT has taken the age at '56' prior to review. Therefore, review done cannot be faulted. Further for the age group of '53', the multiplier applicable is

'11', whereas in the judgment prior to review, learned MACT has adopted multiplier '8'. These are the errors apparent on the face of the record and they result in gross injustice to a party before the Court. Therefore, the review entertained by the learned MACT cannot be faulted, and the arguments of the Insurance Company contra found untenable.

18. In the light of the presidential guidance referred above and in the facts and circumstances of the case, point No.1 is answered, in favour of the claimants and against the appellant-Insurance Company concluding that –

- (i) the Motor Accident Claims Tribunals have power to review where the ingredients of Section 114 and Order 47 Rule 1 of CPC are satisfied.
- (ii) Review done in the present case by the learned MACT is proper.
- (iii) The review orders and the original orders are merged and the appeal is against both. Therefore, the objections of the Insurance Company in this connection, found fit to be rejected.

Point No.2:-

Quantification of compensation:-

19. The Objections on quantification with reference to Pension and compassionate appointment:-

- (i) Claimant No.1 is getting pension of Rs.9000/- and son of the disease is likely to get compassionate appointment; therefore,

while quantifying the compensation these aspects shall be kept in view.

Jurisprudence on this point:-

20. The salary drawn by the family member / legal representative of the deceased, who got compassionate appointment cannot be deducted, is the proposition of law settled by the Hon'ble Apex Court in ***Vimal Kanwar and Ors. Vs. Kishore Dan and others***⁴, while interpreting the pecuniary advantages received. It is observed by the Hon'ble Supreme Court that the salary receivable by the dependents upon compassionate appointment of a victim does not come under pecuniary advantage. Relevant observations are made in paragraph Nos.20 and 21 of the said judgment, which read as follows:

20. The second issue is "whether the salary receivable by the claimant on compassionate appointment comes within the periphery of the Motor Vehicles Act to be termed as 'pecuniary advantage' liable for deduction".

21. "Compassionate appointment" can be one of the conditions of service of an employee, if a scheme to that effect is framed by the employer. In case, the employee dies in harness i.e. while in service leaving behind the dependants, one of the dependants may request for compassionate appointment to maintain the family of the deceased employee who dies in harness. This cannot be stated to be an advantage receivable by the heirs on account of one's death and have no correlation with the amount receivable under a statute occasioned on

⁴ 2013(7) SCC 476

account of accidental death. Compassionate appointment may have nexus with the death of an employee while in service but it is not necessary that it should have a correlation with the accidental death. An employee dies in harness even in normal course, due to illness and to maintain the family of the deceased one of the dependants may be entitled for compassionate appointment but that cannot be termed as “pecuniary advantage” that comes under the periphery of the Motor Vehicles Act and any amount received on such appointment is not liable for deduction for determination of compensation under the Motor Vehicles Act.

21. Further, the Hon'ble Apex Court in **Vimal Kanwar's case**, while interpreting the pecuniary advantages received, observed that the salary receivable by the dependents upon compassionate appointment of a victim also does not come under pecuniary advantage on par with Provident fund, pension, Life Insurance amount receivable by the claimant and the same do not come within the purview of Motor Vehicles Act to be termed as pecuniary advantage.

22. In **Krishnasish Chanda Vs. Naveen Kumar and Others**⁵ vide M.A.C.M.A. No. 1656 of 2015, a Division Bench of this Court, wherein I am also one of the member, addressed this aspect with reference to the observations of the Honourable Apex Court in para 28 as follows:-

“28. From the precedential guidance, the amounts received from what sources cannot be deducted from the compensation payable to the victims in a motor accident and which do not fall under ‘pecuniary advantage’ for the purpose of balancing loss and gain can be illustrated as follows:-

⁵ 2025 SCC OnLine AP 2195

- 1) Salary received by the dependent upon compassionate appointment due to victim's death cannot be termed as 'pecuniary advantage'.
- 2) Pension is not pecuniary advantage.
- 3) Provident Fund is not a pecuniary advantage.
- 4) Life Insurance amount receivable by the claimants (*L.Rs. of deceased*) is not a pecuniary advantage.
- 5) Bank balances received by the legal representatives of a deceased cannot be pecuniary advantage.
- 6) Share, share values, fixed deposit matures to the heirs are not a pecuniary advantage.

Findings:-

23. From the authorities referred to above, it is found that the contention of Insurance Company that the salary paid to the legal representatives on compassionate appointment shall be deducted from the income of the deceased is not tenable.

24. In view of the above reasons it is found that, the compensation payable for death on account of motor vehicle accident and parameters thereof are independent from that of the benefits to which the legal heirs are entitled and other schemes or legislations. Therefore, one operating as a bar for the other is myth and unacceptable. Therefore, the objections of the Insurance Company are fit to be rejected, accordingly rejected.

Quantification of compensation:-

Precedential guidance:

25. (i). For having uniformity of practice and consistency in awarding just compensation, the Hon'ble Apex Court provided guidelines as to adoption of multiplier depending on the age of the deceased in **Sarla Verma (Smt.) and Ors. Vs. Delhi Transport Corporation and Anr.**⁶ and also the method of calculation as to ascertaining multiplicand, applying multiplier and calculating the compensation *vide* paragraph Nos.18 and 19 of the Judgment.

(ii). Further the Hon'ble Apex Court in **National Insurance Company Ltd. v. Pranay Sethi and Others**⁷ case directed for adding future prospects at 50% in respect of permanent employment where the deceased is below 40 years, 30% where deceased is between 40-50 years and 15% where the deceased is between 50-60 years. Further, in respect of self employed etc., recommended addition of income at 40% for the deceased below 40 years, at 25% where the deceased is between 40-50 years and at 10% where the deceased is between 50-60 years. Further, awarding compensation under conventional heads like loss of estate, loss of consortium and funeral expenditure at Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively is also provided in the same Judgment.

⁶ 2009 (6) SCC 121

⁷ 2017(16) SCC 680

(iii). Further in ***Magma General Insurance Company Ltd. v. Nanu Ram and Others***⁸, the Hon'ble Apex Court observed that the compensation under the head of loss of consortium can be awarded not only to the spouse but also to the children and parents of the deceased under the heads of parental consortium and filial consortium.

Just Compensation:

(iv) In ***Rajesh and others vs. Rajbir Singh and others***⁹, the Hon'ble Supreme Court in para Nos.10 and 11 made relevant observations, they are as follows:

10. Whether the Tribunal is competent to award compensation in excess of what is claimed in the application under Section 166 of the Motor Vehicles Act, 1988, is another issue arising for consideration in this case. At para 10 of Nagappa case [Nagappa v. Gurudayal Singh, (2003) 2 SCC 274 : 2003 SCC (Cri) 523 : AIR 2003 SC 674] , it was held as follows: (SCC p. 280)

"10. Thereafter, Section 168 empowers the Claims Tribunal to 'make an award determining the amount of compensation which appears to it to be just'. Therefore, the only requirement for determining the compensation is that it must be 'just'. There is no other limitation or restriction on its power for awarding just compensation."

The principle was followed in the later decisions in Oriental Insurance Co. Ltd. v. Mohd. Nasir [(2009) 6 SCC 280 : (2009) 2 SCC (Civ) 877 : (2009) 2 SCC (Cri) 987] and in Ningamma v. United India Insurance Co. Ltd. [(2009) 13 SCC 710 : (2009) 5 SCC (Civ) 241 : (2010) 1 SCC (Cri) 1213]

11. Underlying principle discussed in the above decisions is with regard to the duty of the court to fix a just compensation and it has now become settled law that the court should not succumb to niceties or technicalities, in such matters. Attempt of the court should be to equate, as far as possible, the misery on account of the accident with the compensation so that the injured/the dependants

⁸ (2018) 18 SCC 130

⁹ (2013) 9 SCC 54

should not face the vagaries of life on account of the discontinuance of the income earned by the victim.

Analysis and Reasoning for quantification of compensation:-

26. [i] Learned MACT has rightly adopted the multiplier '11' and taken the income with reference to the salary certificate added future prospect in terms of the observations in *Pranay Sethi's* case. However, failed to award compensation under the conventional heads as per the directions of the Honourable Apex Court in *Sarla Verma and Magma General Insurance Company Ltd* cases [cited supra].

[ii] The income of the deceased can be taken at Rs.19,546/- per month and the annual income comes at Rs.2,34,552/- p.a.; upon adding 15% towards future prospects i.e., Rs.35,183/-, the annual income comes to Rs.2,69,735/-. If 1/4th of the same is deducted towards personal expenditure, contribution of the income of the deceased to the petitioners comes to [Rs.2,69,735 (-) 67,434/-] Rs.2,02,301/- per annum, which can be considered as multiplicand. Multiplier applicable to the age group of the deceased is '11'.

[ii] Upon application of the same, then the entitlement of the claimants/petitioners for the compensation comes to [Rs.2,02,301/- x 11] @Rs.22,25,311/- under the head of loss of dependency. Petitioner No.1 is entitled for loss of spousal consortium and the petitioners 2 to 4 are entitled for parental consortium @Rs.40,000/-each.

[iii] Further, the petitioners are entitled for compensation under the conventional heads i.e. Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate.

27. Therefore, the entitlement of the claimants for reasonable compensation in comparison to the compensation awarded by the learned MACT is found as follows:

Head		Compensation awarded by the learned MACT	Fixed by this Court
(i)	Loss of dependency	Rs. 20,02,715/-	Rs. 22,25,311/-
(ii)	Loss of estate	Rs.15,000/-	Rs.15,000/-
(iii)	Loss of Consortium	Rs.15,000/- [only for 1 st claimant]	Rs.1,60,000/- [@Rs.40,000/- each]
(iv)	Transportation	Rs.3000/-	Rs.3000/-
(v)	Funeral expenses	Rs.3,000/-	Rs.15,000/-
	Total compensation awarded	Rs.20,38,715/-	Rs.24,18,311/-
	Interest (per annum)	7.5%	7.5%

28. For the reasons aforesaid and in view of the discussion made above, the point No.2 framed is answered concluding that the claimants are entitled for compensation of Rs.24,18,311/- with interest at the rate of 7.5% per annum and the impugned Orders dated 13.08.2014 in M.V.O.P.601/2012 passed by the learned MACT, require modification accordingly.

Enhancement of compensation in the absence of appeal by the claimant:

29. (i). Whether the compensation can be enhanced in the absence of an appeal or cross appeal by the claimant. The legal position as to powers of the Appellate Court particularly while dealing with an appeal in terms of Section 173 of the Motor Vehicles Act, 1988, where the award passed by the learned MACT under challenge at the instance of the Insurance Company (Respondents) and bar or prohibition if any to enhance the quantum of compensation and awarding just and reasonable compensation, even in the absence of any appeal or cross objections was considered by the Division Bench of this Court in a case between ***National Insurance Company Limited vs. E. Suseelamma and others***¹⁰ in M.A.C.M.A. No.945 of 2013, while answering point No.3 framed therein vide, para 50 of the judgment, which reads as follows:

50. In our considered view, the claimant/respondents are entitled for just compensation and if on the face of the award or even in the light of the evidence on record, and keeping in view the settled legal position regarding the claimants being entitled to just compensation and it also being the statutory duty of the Court/Tribunal to award just compensation, this Court in the exercise of the appellate powers can enhance the amount of compensation even in the absence of appeal or cross-objection by the claimants.

¹⁰ 2023 SCC Online AP 1725

(ii). Observations made by the Division Bench of this Court in ***National Insurance Company Limited vs. E. Suseelamma and others*** (13 supra) case are in compliance with the observations of Hon'ble Apex Court in ***Surekha and Others vs. Santosh and Others***¹¹.

(iii). In ***Surekha and Others vs. Santosh and Others*** (14 supra) case, in Civil Appeal No.476 of 2020 *vide* judgment dated 21.01.2020, three judges of the Hon'ble Supreme Court observed that "it is well stated that in the matter of Insurance claim compensation in reference to the motor accident, the Court should not take hyper technical approach and ensure that just compensation is awarded to the affected person or the claimants". While addressing a case where the High Court has declined to grant enhancement on the ground that the claimants fail to file cross appeal above observations are made.

30. **In the result**, the appeal filed by the 2nd respondent-Insurance Company is dismissed, however,

- (i) the orders dated 13.08.2014 (orders on review) in I.A.No.776/2014 which are merged, with the orders and decree dated 04.06.2014 in M.V.O.P.601/2012 passed by the learned MACT awarding compensation of Rs.20,38,715/- with interest at the rate of 7.5% per annum are **modified and enhanced to Rs.24,18,311/- with interest at the rate of 6% per annum** from the date of petition till the date of realization.

¹¹ (2021) 16 SCC 467

- (ii) Respondent Nos.1 and 2 are jointly and severally liable. However, Respondent No.2 / Insurance Company is liable in view of the Insurance Policy.
- (iii) Enhanced part of the compensation shall be apportioned to the share of the claimant No.1/ wife of the deceased with proportionate interest.
- (iv) Appellant/Respondent No.2 before the learned MACT is liable to pay the compensation.
- (v) Time for payment /deposit of the balance amount is two (2) months.
 - (a) If the claimants furnish the Bank Account Number within 15 days from today, respondent No.2/ Insurance Company shall deposit the amount directly into the bank account(s) of the claimants and file the necessary proof before the learned MACT.
 - (b) If the claimants fails to comply v(a) above, respondent No.2/Insurance Company shall deposit the amount before the learned MACT and the claimants are entitled to withdraw the amount at once on deposit.
- (vi) There shall be no order as to costs, in the appeal.

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

A. HARI HARANADHA SARMA, J

Date: 10 04.2026

Note:

L.R.Copy to be marked.

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HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

M.A.C.M.A No.2294 of 2015

10.04.2026

Pnr

*** THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

M.A.C.M.A. No.2294 of 2015

% 10.04.2026

The Oriental Insurance Co. Ltd., Rep. by its Divisional Manager, Divisional Office, Balaji Colony, Tirupathi Chittoor District.

.... Appellant

Versus

\$ Guddu Gurramma, W/o.Late Gurrappa, Aged 45 Years, occ: House-wife
R/o.D.No. 89/9 Near Water Tank, Angadi Veedhi, Mamillapalli Village,
C.K. Dinne Mandal, Kadapa District and (4) OTHERS.

.... Respondents

! Counsel for the appellant : Sri GUDI SRINIVASU

! Counsel for the Respondents : V HEMANTH KUMAR

< Gist:

> Head Note:

? Cases referred:

(2000) 3 SCC 581
(2005) 4 SCC 741
(2009) 13 SCC 767
2013(7) SCC 476
2025 SCC OnLine AP 2195
2009 (6) SCC 121
2017(16) SCC 680
(2018) 18 SCC 130
(2013) 9 SCC 54
2023 SCC Online AP 1725
(2021) 16 SCC 467

***THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

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C.K. Dinne Mandal, Kadapa District and (4) OTHERS.

.... Respondents

DATE OF ORDER PRONOUNCED: 10.04.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

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|---|--------|
| 1. Whether Reporters of Local Newspapers may be allowed to see the Order? | Yes/No |
| 2. Whether the copies of Order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Order ? | Yes/No |

A. HARIHARANADHA SARMA, J