



2025:TSHC:56186
[3487]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 440 OF 2024

Appeal filed under Section 173 of M.V.Act, against Order and Decree dated Dt. 21.11.2023 passed in MVOP No. 80/2021 on the file of the court of the Chairman Motor Accidents Claims Tribunal-cum- Principal District Judge Asifabad.

Between:

1. Sidam Maru, S/o.Sidam Somu, Age 47 years, Occ. Agriculture,
2. Sidam Tanubai, W/o.Sidam Maru, Age 44 years, Occ. House hold,
3. Sidam Srihari, S/o.Sidam Maru, Age 29 years, Occ. Agriculture,
4. Sidam Ganapathi, S/o.Sidam Maru, Age 22 years, Occ. Agriculture,
5. Sidam Rohidas, S/o.Sidam Maru, Age 20 years,
6. Sidam Somu, S/o.Sidam Tariu, Age 70 years, Occ. Nil (Senior Citizen)
All are R/o.H.No.3-102/1, Goduguda of Sonapur village, H/o.Bambara, R/o. Wankidi, Dist. Komuram Bheem Asifabad.

...Petitioner/s

AND

1. Tajane Anil, S/o.Warlu, Age 45 years, Occ. Driver of MSRTC Bus Bearing No.MH4ON 9582, R/o.Navagon Village, Post Mudza, Taluq and Dist. Gadchiroli, Maharashtra-442605
2. Maharastra State Road Transport Corporation, Rep. by its Divisional Manager, Division Office, Dhanora Road, Ramnagar, Gadchiroli, Maharastra-442605
3. Madavi Santhosh, S/o.Sone Rao, Age 24 years, Occ. Rider of Motor Cycle bearing No.AP01R9993, r/o. Markaguda Village, GP Sungapur, Mandal Thiryani, Dist. Komurambheem Asifabad.
4. D.Ramesh, S/o.Mallaiah, Age Major, Occ. Owner of Motorcycle bearing No.AP01R9993, R/o.Gopal Wada, Mancherial, Dist. Mancherial.

...Respondent/s



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Counsel for the Appellants : Sri. Kondadi Ajay Kumar

Counsel for the Respondent No. 1: Sri G Ravi Chandran

Counsel for the Respondent No. 2 : Sri Devender Babu Goli

Counsel for the Respondent No. 4:Sri Md. Kaleem Pasha

The Court delivered the following:



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THE HON'BLE SRI JUSTICE GADI PRAVEEN KUMAR

M.A.C.M.A.No.440 OF 2024

JUDGMENT:

Sri K.Ajay Kumar, learned counsel for the petitioners; Sri V.Akshitha, learned counsel for respondent Nos.1 and 2 and Sri Md. Kaleem Pasha, learned counsel for respondent No.4.

2. The present appeal is filed aggrieved by the decree and judgment passed in MVOP No.80 of 2021, dated 21.11.2023 on the file of Motor Accident Claims Tribunal-cum-Principal District Judge, Asifabad.

3. The facts leading to file O.P. before the learned trial Court are that on 23.06.2017, the pillion rider of the motorcycle bearing No.AP-01-R-9993 along with respondent No.3, while proceeding to Wankidi after purchasing cotton seeds, met with an accident with MSRTC Bus bearing No.MH-40-N-9582 that was coming from Chandrapur towards Asifabad, driven in a rash and negligent manner in a high speed. As a result, the deceased sustained head injuries, other grievous injuries all over the body and died on the spot.



4. Pursuant to the accident, a complaint was registered in crime No. 66 of 2017 under Section 304-A of IPC in the Wankidi Police Station.
5. Following the untimely death of the deceased, the appellants who are the parents, younger brothers and grandfather of the deceased, approached the learned trial Court under Section 166(1)(c) of the Motor Vehicles Act r/w Rule 455 of the TSMV Rules, 1989 claiming a compensation of Rs.20,00,000/-. It is averred that the deceased was hale and healthy at the time of the accident, aged about 21 years and was earning Rs.10,000/- per month by doing agriculture and used to contribute his entire earnings for the well being of his family.
6. Respondent No.1 and 2 filed a counter affidavit denying the allegations and stating that there can be no liability against the driver of the MSRTC bus. Learned trial Court issued notice to respondent No.3, rider of Motorcycle bearing No.AP-01-R-9993, who made appearance through an advocate but no counter affidavit was filed nor was any specific evidence adduced. Whereas, respondent No.4, owner of the motorcycle bearing No.AP-01-R-9993 though served, remained absent and set *ex-parte*.



7. However, relying upon the material available on record, learned trial Court framed two issues:

1. *Whether the pleaded accident occurred resulting in the death of the deceased-Sidam Sagar, due to rash & negligent driving of MSRTC bus bearing No.MH-40-N-9582 by its driver?*

2. *Whether the petitioners are entitled to any compensation and if so, at what quantum and what is the liability of the respondents?*

On behalf of the appellants PW1 and PW2 were examined and Exhibit A1 to A7 were marked. Whereas on behalf of respondent No.1 and 2, RW1 was examined and Exhibit B1 to B3 were marked.

8. The learned Tribunal appreciating the material available on record, only hearing the appellants and respondent Nos. 1 and 2, and following the principles laid down in ***Sarala Verma vs Delhi Transport Corporation***¹, came to the conclusion that the claimants are entitled for a compensation of Rs.11,40,800/- under relevant heads, together with an interest at 9% per annum from date of passing of the award till the date of realization.

9. Learned counsel for the appellants contended that the Tribunal erroneously appreciated the material available on record

¹2009 ACJ 1298



and came to an erroneous conclusion that there was negligence on the part of the respondent No.3 and awarded compensation against respondent Nos.3 and 4. He further contended that the Tribunal ought to have awarded the entire compensation amount of Rs.20,00,000/- instead of Rs.11,40,800/-, considering the fact that it is established against the respondent No.1 in occurrence of the accident. Learned trial Court erroneously assumed that the deceased carried 50 to 60 kg cotton seeds packets and that the road in the same offence was uneven, so the accident occurred due to loss of balance. Further, learned Tribunal failed to take into consideration that the act itself is a beneficial legislation.

10. Learned counsel appearing on behalf of respondent Nos.1 and 2 contended in the Tribunal that there is no liability on behalf of the respondent No.1 and 2 and further contended that the rider of the motor vehicle drove the vehicle by allowing two persons as pillion riders along with big cotton seed bag and after crossing the Chikli river, the rider of the motorcycle fell down on the road and one person, by name, Sidam Sagar died on the spot. At that time, the MSRTC bus was coming from Maharashtra to Dharmapuri, reached the Chikli Vagu, by observing the accident, the driver of the bus stopped the bus to the left side. By that time, the police



also reached. Therefore, no fault or liability can be attributed to respondent No.1 and 2.

11. Learned counsel for respondent No.4 vehemently contended that no notice or summons was served upon respondent No.4 and that the claimants have taken out notice to incorrect address of the answering respondents, despite being were aware of the last known address as per the paper publication wherein they mentioned the complete address with house number.

12. Learned counsel for respondent No.4 placed reliance upon the report of the Field Assistant, who took an oath stating that, when the persons reached the address located under reference it was found that there was no such person available at that place with the Motor Cycle bearing No. AP-01-R-9993 and no person was available for acknowledging the summons.

13. On perusal of the cause title as well as the report submitted by the Field Assistant, it is clear that there is no house number referred. Pursuant to the directions of the learned trial Court for substituted service, the house number of respondent No.4 was mentioned as House No. 28-136, Gopal wada, Mancherial District. Therefore, learned counsel for respondent No.4 contends that he



was not provided any opportunity for lodging any evidence or prove the claim on his behalf.

14. Heard learned counsel and perused the record.

15. Upon perusal of the entire record as well as the contentions raised by both counsel, it can be seen that the Tribunal allowed M.V.O.P.80 of 2021, fixing the liability against respondent Nos. 3 and 4 jointly and severally to compensation of Rs.11,40,800/- together with 9% interest, even though there is no representation, counter or any specific evidence adduced by respondent No.3 and 4, before the learned trial Court. Therefore, it is apparent on the face of the record that the Tribunal before proceeding with final conclusion ought to have provided one more opportunity to respondent No. 3 and 4, having permitted for substituted service.

16. Therefore, to meet the ends of justice, the impugned order passed by learned trial Court in M.V.O.P No.80 of 2021 dated 21.11.2023 is set aside and the matter is remanded back to the learned trial Court to decide the matter afresh, duly providing an opportunity to the parties. However, since it is the case of death, the learned trial Court shall endeavour to dispose of the main case as expeditiously as possible, within a period of six (06) months from the date of receipt of the copy of the order. This



Court also observes that in view of the death of the deceased, the claimants are also entitled for a reasonable compensation.

17. In view of the same, the M.A.C.M.A is allowed.

Miscellaneous petitions, if any are pending, shall stand closed.

Sd/- M. JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman Motor Accidents Claims Tribunal-cum- Principal District Judge Asifabad. (With records)
2. One CC to Sri. Kondadi Ajay Kumar Advocate [OPUC]
3. One CC to Sri G Ravi Chandran Advocate [OPUC]
4. One CC to Sri Devender Babu Goli Advocate [OPUC]
5. One CC to Sri Md. Kaleem Pasha, Advocate [OPUC]
6. Two CD Copies

AS/DI



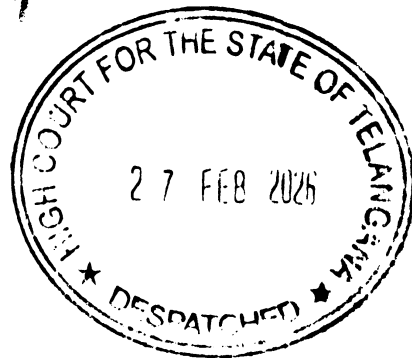
2025:TSHC:56186

HIGH COURT

DATED:31/10/2025

JUDGMENT

MACMA.No.440 of 2024



ALLOWING THE MACMA

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12.15