

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

**THURSDAY, THE TWENTY FIRST DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 13 OF 2022

Appeal filed under Section 173 of Motor Vehicles Act against the Order and Decree made in M.V.O.P.No.393 of 2019 dated 04/08/2021 on the file of the Court of the Chairman, Motor Accident Claims Tribunal-cum-XII Additional Chief Judge, City Civil Court, at Hyderabad.

Between:

M/s. T.S. Road Transport Corporation, Rep., by its Regional Manager, GH Region, Personal Department, JBS, Picket, Secunderabad.

...Appellant/Respondent.

AND

1. V. Babu Rao, (died).
2. V. Naveen, S/o. V. Babu Rao, Age. 30 years, Occ. Unemployed, R/o. H. No.8-1-61, Market street, Secunderabad.

...Respondents/Petitioners.

3. Md. Jaleel Ahmed, S/o. MD. Hussain, Age. Major, Occ. RTC Driver, R/o. H. No.3-3-52, Inamdar galli, Yellareddy, Kama Reddy District.

...Respondent/Respondent

Counsel for the Appellant: SRI N.PRAVEEN REDDY (SC FOR TSRTC)

Counsel for the Respondents: ---

The Court made the following: JUDGMENT

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

MACMA NO.13 OF 2022

JUDGMENT:

1. This Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short 'the M.V.Act, 1988') by Telangana State Road Transport Corporation (for short 'TSRTC') arises out of an award passed by the Motor Accidents Claims Tribunal -Cum- Court of the XII Additional Chief Judge, City Civil Court, Secunderabad (for short, 'the Tribunal') in MVOP.No.393 of 2019, dated 04.08.2021.

2.1. Respondent Nos.1 and 2-petitioners filed petition under Section 166 of Motor Vehicles Act, 1988 (for short 'M.V.Act') r/w Rule 455/1B of A.P. Motor Vehicle Rules, 1989 claiming compensation of Rs.15,00,000/- together with interest @ 18% per annum for the death of the deceased V.Vijaya Lakshmi from the respondent No.1 (respondent No.3 herein) and respondent No.2 (appellant herein) jointly and severally in a road accident that took place on 13.01.2019.

2.2. Respondent No.1-petitioner No.1 is the husband, respondent No.2-petitioner No.2 is the son of the deceased-V.Vijaya Lakshmi.

3. On 13.01.2019 at about 8.30 hours, V.Vijaya Lakshmi came to Secunderabad from Alwal for shopping and while she was walking at 31 bus stop, Secunderabad, on reaching Baba lodge meanwhile, the

driver of TSRTC bus bearing No.AP 11 Z 6561 drove the same in a negligent manner with high speed, dashed Vijaya Lakshmi from backside and the left side wheel of the bus ran over on her two legs. As a result, she sustained grievous injuries all over the body and was shifted to Max Cure Hospital for better treatment. While undergoing treatment, she died on 15.02.2019 at 14.56 hours. Deceased was aged about 47 years and was doing household service and tailoring work and earning Rs.15,000/- per month. On the complaint, SHO P.S. Malakpet registered a case in Crime No.9 of 2019 under Section 304(A) against the driver of the crime vehicle and prayed to allow the O.P.

4. Driver of the crime vehicle (respondent No.3 herein) filed counter and contended that there is no negligence on his part, he has not committed any offence and there is no fault on his side, denied the age, avocation and the accident the manner in which it has occurred, prayed to dismiss the same.

5. TSRTC (appellant-respondent No.2) filed separate counter, denied the age, avocation and earning of the deceased and the respondent Nos.1 and 2-petitioners were put to strict proof of the accident and there is no negligence on the part of the driver of the crime vehicle, the amount claimed is excessive, exorbitant and prayed to dismiss the O.P.

6. The Tribunal has framed the following issues:

1. Whether the accident occurred was due to rash and negligent driving of the offending vehicle by R1?
2. Whether the petitioners are entitled to compensation? If so, to what extent and from whom?
3. To what relief?

7. Respondent No.1-petitioner No.1 is examined as PW.1, examined PW.2-T.Prasad and PW.3-M.Padma, and got marked Exs.A1 to A6 and Ex.X1 through PW.3. Driver and TSRTC reported no evidence.

8. The Tribunal after going through the evidence led by the respondent Nos.1 and 2-petitioners and perusing Exs.A1 to A6, X1 has allowed the O.P. in part and awarded an amount of Rs.21,65,410/- with costs and interest @ 7.5% per annum from the date of petition till realization against the driver and RTC jointly and severally with a direction to deposit the amount within one month from the date of order (04.08.2021).

9. It is to be noted here that respondent No.1-petitioner No.1 died during the pendency of the petition and respondent No.2-petitioner No.2 was awarded compensation.

10. It is stated in the cause title of the Appeal that respondent No.3 is not a necessary party in the proceedings as no relief is claimed against him.

11.1. Counsel submits that the Tribunal erred in awarding a sum of Rs.21,65,410/- with proportionate costs and interest @ 7.5% per annum and has committed irregularity in holding that the accident occurred due to rash and negligent driving of the driver of RTC bus bearing No.AP 11 Z 6561 and erred in taking presumption that PW.2 is an eye-witness though his name is not mentioned in Ex.A3 charge sheet which cannot be relied upon to prove the rash and negligent driving of the driver of the bus, also erred in taking the income of the deceased as Rs.15,000/- per month in the absence of any proof and it ought to have taken Rs.5,000/- per month, wrongly considered the age of the deceased as 47, as per the inquest report and postmortem report, the age of the deceased is recorded as 54 years.

11.2. Counsel further submits that the Tribunal erred in adding 25% of future prospects to the income of the deceased, erred in applying the multiplier '13', erred in deducting $1/3^{\text{rd}}$ towards contribution instead of 50% even though the Tribunal considered only one defendant, also erred in awarding Rs.44,000/- for parental consortium, Rs.16,500/- for loss of estate and Rs.16,500 for funeral expenses and erred in awarding Rs.1,38,410/- towards medical bills

by considering Ex.A6. The Tribunal erred in not considering Exs.A1 to A6 and Ex.X1 in proper prospective and prayed to allow the Appeal.

12. Learned counsel for respondent No.2-petitioner No.2 submits that the Tribunal has properly appreciated the evidence on record and rightly awarded just compensation, no interference is called for and prayed to dismiss the Appeal.

13. Heard learned counsel on record, perused the material.

14. Now the point for consideration is: whether the impugned award passed by the Tribunal suffers from perversity, does it requires interference of this Court, if so, the compensation awarded is just and proper?

15. T.Mukesh has lodged a complaint before Inspector of Police, Market Police Station, Secunderabad on 13.01.2019 stating that on 13.01.2019 at about 8.30 A.M. his mother-in-law Smt.V.Vijaya Lakshmi, age 47 years came to Secunderabad from Alwal for shopping, while she was walking at 31 bus stop, Secunderabad, driver of RTC bus bearing No.AP 11 Z 6561, route No.219 came in a rash and negligent manner from 31 bus stop and was proceeding towards Clock Tower and hit Smt.Vijaya Lakshmi due to which she fell down in front of Baba lodge and left side front wheel of the bus rolled on her two legs. She was shifted to Railway Hospital, Mettuguda for medical treatment. Basing on the said complaint, P.S. Market police station

has registered Ex.A1 on 13.01.2019 against the driver of RTC bus No.AP 11 Z 6561 under Section 337 of IPC. Ex.A3 is the charge sheet filed by the police against driver of the crime vehicle (respondent No.3 herein) for the offence under Section 304-A of IPC.

16. PW.1 is the husband of the deceased, he deposed the manner in which the accident has taken place. In his cross-examination, he stated that he is not an eye-witness to the incident. He denied the suggestion that there is no negligence on the part of the driver of the crime vehicle.

17. PW.2 is an eye-witness to the incident, he deposed that the deceased came to Secunderabad from Alwal for shopping and while she was walking at 31 bus stop, Secunderabad and on reaching Baba lodge, meanwhile the driver of RTC bus bearing No.AP 11 Z 6561 drove it in a rash and negligent manner in a high speed and dashed the deceased from back side, on account of which she sustained grievous injuries all over the body and immediately she was shifted to Railway Hospital, Mettuguda from there to Max Cure Hospital, Hyderabad but she died on 15.02.2019 while undergoing treatment and he has seen the accident in a close distance. In his cross-examination, he admitted that his name is not mentioned in the charge sheet as an eye-witness.

18. On perusal of Ex.A3 charge sheet, PW.2 is shown as LW.6 as a witness. As the place of accident is at 8.30 A.M. the presence of PW.2 cannot be doubted.

19. Appellant has not adduced any evidence, to substantiate their contention that there is no negligence on the part of the driver of the crime vehicle. The evidence of PW.2 coupled with Exs.A1 to A5 establishes the fact that the driver of the crime vehicle (respondent No.3 herein) drove the bus in a rash and negligent manner and caused the accident. The Tribunal has rightly arrived at a conclusion that it is the driver of the crime vehicle who caused the accident.

20. It is mentioned in the claim petition that the occupation of the deceased is tailor and household service and was earning Rs.15,000/- per month. PW.1 has deposed in the same lines that his wife used to earn Rs.15,000/- as a professional tailor a part from looking after the household work.

21. PW.3 is an independent witness who deposed that he worked under the deceased as an Assistant like stitching buttons, hooks, falls, pico etc., and that the deceased used to stitch six to seven blouses a day, was charging Rs.300/- for each blouse and was earning an amount of Rs.1800/- per day, she used to pay him Rs.100/- for daily assistance and the monthly income of the deceased is Rs.25,000/- per month after meeting all expenses including the assistant charges

and she has 10 years experience in the tailoring work. In his cross-examination, he stated that he has not filed any document to show that he is working under the deceased Vijaya Lakshmi as an assistant. He denied the suggestion that Vijaya Lakshmi is not running a tailoring shop and he is not earning Rs.25,000/- per month.

22. Accident occurred on 13.01.2019, the Tribunal has considered the evidence of PW.3 and opined that the deceased was a professional tailor and was earning Rs.15,000/- per month. Tribunal has rightly taken the earnings of the deceased at Rs.15,000/- per month and this Court is not inclined to interfere with the same. In so far as the age of the deceased is concerned, in the complaint lodged by the son-in-law of the deceased wherein he has mentioned the age of his mother-in-law as 47 years and the age of PW.1 shown in the affidavit is 54 years but in Ex.A2-inquest report and in Ex.A5-PME report the age of the deceased is shown as 54 years. As rightly observed by the Tribunal that when the age of the husband is 54 years by the date of his evidence, the deceased age as mentioned in the complaint dated 13.01.2019 as 47 years is rightly considered by the Tribunal. Ex.A6 is supported with medical bills of Rs.1,38,410/-.

23. The Tribunal has rightly added the future prospects @ 25% as the deceased was aged about 40 to 50 years and also rightly applied multiplier '13' as she was in the age group of 46 to 50 years and deducted 1/3rd towards the personal expenses of the deceased as the

dependents two in number by the date of accident. The computation arrived by the Tribunal is as under:

Sl.No.	Name of the Head	Amount awarded
1.	Income (per month)	Rs. 15,000/-
2.	Add 25% future prospects (as per National Insurance Co. Ltd Vs. Pranay Sethi ¹)	Rs. 18,750/- (15,000 X 25%) +15,000
3.	1/3 rd deductions towards Personal Expenses (as per Smt.Sarla Varma Vs. Delhi Transport Corporation ²)	Rs.12,500/- 18,750 - (18,750 x 1/3)
4.	Annual Income	Rs.1,50,000/- (12,500 x 12)
5.	Multiplier '13'	Rs.19,50,000/- (1,50,000 X 13)
6.	Parental Consortium	Rs.44,000/-
7.	Loss of Estate	Rs.16,500/-
8.	Funeral Expenses	Rs.16,500/-
9.	Medical Bills	Rs.1,38,410/-
	Total	Rs.21,65,410/-

24. The Tribunal has rightly appreciated the facts of the case and awarded just compensation. Appellant has not made out any case to set aside the impugned order, there are no merits in the Appeal

¹ (2017) 16 SCC 680

² (2009) 6 SCC 121

deserves no consideration and the same is liable to be dismissed and as accordingly dismissed.

25. In the result, MACMA.No.13 of 2022 is dismissed.

Interim orders granted, if any, shall stands vacated.
Miscellaneous application/s, pending if any, shall stand closed. No costs.

SD/-A. JAYASREE
ASSISTANT REGISTRAR

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SECTION OFFICER

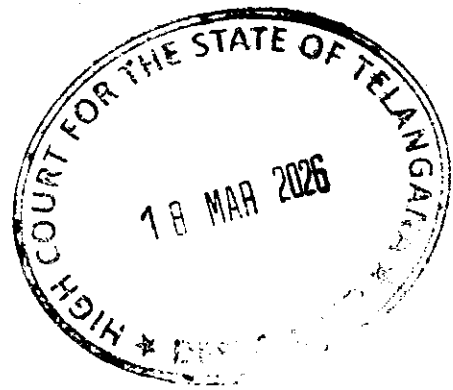
To,

1. The Court of the Chairman, Motor Accident Claims Tribunal-cum-XII Additional Chief Judge, City Civil Court, at Hyderabad.
2. One CC to Sri N.Praveen Reddy (SC FOR TSRTC) Advocate [OPUC]
3. Two CD Copies

NVB/PSL

HIGH COURT

DATED:21/08/2025



JUDGMENT+DECREE

MACMA.No.13 of 2022

DISMISSING THE MACMA WITHOUT COSTS

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Asu
30/12/25

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This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the case and upon hearing the arguments of Sri N.Praveen Reddy, Advocate for the Appellant and the and none appeared for the Respondents.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and is hereby dismissed.
2. That save as aforesaid, the decree of the Tribunal shall stand confirmed in all other respects: and

3. That there shall be no order as to costs in this appeal.

**SD/-A. JAYASREE
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

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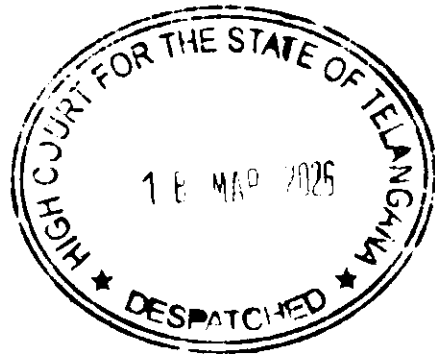
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HIGH COURT

DATED:21/08/2025

DECREE

MACMA.No.13 of 2022



DISMISSING THE MACMA WITHOUT COSTS

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