

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

FRIDAY, THE FIFTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 680 OF 2011**

Appeal filed under Order 173 of Motor Vehicles Act against the order and decree made in MATOP.No. 760 of 2004 dated 27/10/2010 on the file of the Court of the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court) at Khammam.

**Between:**

D.Vasudeva Rao, S/o. Venkateshwara Rao, aged 47 years, Occ: LIC Agent R/o.  
H.No. 7-3-61, Dwaraka Nagar, Khammam.

...APPELLANT/CLAIMANT

**AND**

1. Tati Chandramouli, S/o. Krishna, Driver of Lorry bearing ATR 5339 C/o. Lorry Owners Association, Opp Petrol Bunk Old Bus Stand Centre, Nandigama Village and Mandal, Krishan District.
2. G.Yacobu, S/o. Laxmaiah, Owner of the Lorry bearing NO. ATR 5339 R/o. Guntur.
3. The United India Insurance Company Ltd., Rep. by its Branch Manager, Guntur.
4. The National Insurance Company Ltd., Rep. by its Branch Manager, Wyra Road, Khammam.
5. Rahman Khan Abdul, S/o. Rawoof Khan, R/o. 62-9/3-1, Patamata, Vijayawada, Krishna District.

already admitted that lorry was stationed on the road, compensation has to be granted.

7. On the other hand, learned counsel appearing for Insurance Company, submitted that the Police have already closed the case against the driver of the lorry since he has taken precautions to indicate that the lorry was stationed on the road due to breakdown. In the said circumstances, the finding of the Tribunal cannot be interfered.

8. Having accepted the version of the Police that the lorry was stationed on the road and boulders were kept around the lorry to indicate that the lorry was stationed, it is still worse situation. Admittedly, it was raining in the night and boulders are kept on road that would not be indication regarding failure of the lorry. In fact, it would affect the other vehicle users adversely. In the said circumstances, even assuming that the lorry was stationed on the road placing boulders is not indication of parking lorry. It is for the lorry driver to put any reflecting lights or blinkers to show that the lorry was

parked. Accordingly, the finding of the Tribunal that the lorry is not liable for the accident is hereby set aside.

9. It is an undisputed fact that the age of the claimant was '36' years at the time of accident and the appropriate multiplier is '15', hence, it comes to Rs.4,500/- x 12 x 15 = Rs.8,10,000/- and 25% of the future prospects would be Rs.2,02,500/-, which comes to Rs.10,12,500/-. Since the appellant has sustained 40% disability, the amount for the disability would come to Rs.4,05,000/-.

10. Accordingly, this Court is inclined award the following compensation:

<b>Sl. No.</b>	<b>Head</b>	<b>Amount awarded by this Court</b>
1	Loss of future income due to 40% disability (Rs.4,500/- x 12 x 15 x 40/100)	<b>Rs.4,05,000-00</b>
2	Pain and suffering	<b>Rs.50,000-00</b>
3	Transportation, attendant and extra nourishment charges	<b>Rs.25,000-00</b>
	<b>Total compensation awarded</b>	<b>Rs.4,80,000-00</b>

11. In the result, the appeal is allowed granting compensation of Rs.4,80,000/- with interest at 7.5% p.a. from the date of petition till the date of realization. The respondents are jointly and severally liable to pay the same and shall deposit the amount within a period of two (02) months from the date of receipt of a copy of this judgment. On such deposit, claimant is permitted to withdraw the amount without furnishing any security. However, the claimant is directed to deposit the deficit Court fee on the enhanced amount. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Sd/- A.V.S.PRASAD  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court) at Khammam (With Records)
2. One CC to SRI. VALLURU PADMA, Advocate [OPUC]
3. One CC to SRI. T RAMULU, Advocate [OPUC]
4. Two CD Copies

BGV/PR

§

HIGH COURT  
DATED:05/07/2024

JUDGMENT  
MACMA.No.680 of 2011



ALLOWING THE APPEAL  
WITHOUT COSTS

6 Copies  
Sm  
21/10/24

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

FRIDAY, THE FIFTH DAY OF JULY  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE K.SURENDER

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 680 OF 2011

Between:

D.Vasudeva Rao, S/o. Venkateshwara Rao, aged 47 years, Occ: LIC Agent R/o.  
H.No. 7-3-61, Dwaraka Nagar, Khammam.

...APPELLANT/CLAIMANT

AND

1. Tati Chandramouli, S/o. Krishna, Driver of Lorry bearing ATR 5339 C/o. Lorry Owners Association, Opp Petrol Bunk Old Bus Stand Centre, Nandigama Village and Mandal; Krishan District.
2. G.Yacobu, S/o. Laxmaiah, Owner of the Lorry bearing NO. ATR 5339 R/o. Guntur.
3. The United India Insurance Company Ltd., Rep. by its Branch Manager, Guntur.
4. The National Insurance Company Ltd., Rep. by its Branch Manager, Wyra Road, Khammam.
5. Rahman Khan Abdul, S/o. Rawoof Khan, R/o. 62-9/3-1, Patamata, Vijayawada, Krishna District.

(R5 implead vide court order dated 28.06.2019 in MACMAMP No5479 of 2016 in MACMA No.680 of 2011)

...RESPONDENTS/RESPONDENTS

Appeal filed under Order 173 of Motor Vehicles Act against the order and decree made in MATOP.No. 760 of 2004 dated 27/10/2010 on the file of the Court of the Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court) at Khammam.

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 MVOP and upon hearing the arguments of Smt VALLURU PADMA, Advocate for the appellant and of Sri T Ramulu, Advocate for the Respondent No.4.

This Court doth Order and decree as follows:

1. That the appeal be and hereby is allowed granting compensation of Rs.4,80,000/- (Rupees four lakhs Eighty thousand only) with interest at 7.5% p.a. from the date of petition till the date of realization
2. That the respondents be and hereby are jointly and severally liable to pay the same and shall deposit the amount within a period of two (2) months from the date of receipt of a copy of this judgment;
3. That on such deposit, Claimant be and hereby is permitted to withdraw the amount without furnishing any security;
4. That the claimant be and hereby is directed to deposit the deficit Court fee on the enhanced amount; and
5. That there shall be no order as to costs in this appeal.

//TRUE COPY//

Sd/- A.V.S.PRASAD  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-IV Additional District Judge (Fast Track Court) at Khammam]
2. Two CD Copies

BGV/PR

4

HIGH COURT  
DATED:05/07/2024

DECREE  
MACMA.No.680 of 2011

ALLOWING THE APPEAL  
WITHOUT COSTS

(4) Copies

Sm  
21/10/24