

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

**FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 894 OF 2016

Appeal filed under under Section 173 of M.V.Act., against the order and decree made in MVOP No.830 of 2007 dated 29.10.2010 on the file of the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, [II-FTC], Warangal.

Between:

The National Insurance Co Ltd, rep by its Branch Manager O/o Branch Office
H.No.8-12-2/1, P.B.No.84, JPN Road, Warangal.

AND

...APPELLANT /RESPONDENT No.2

1. Masu Satyanarayana, Satyam, S/o. Rajaiah Lorry Cleaner R/o. Repakapalli Village, Regonda Mandal, Warangala District.

RESPONDENT/PETITIONER

2. Pagidi Shanker, S/o. Posham, Aged Major Owner of the Crime Vehcile R/o. H.No.1-191, Jenda Venkatapur Village, Nennela Mandal, Adilabad District.

...RESPONDENT/RESPONDENT

MACMAMP. NO: 5494 OF 2011

Petition under Section 151 CPC., praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the order and Decree made in MVOP No. 830 of 2007, dt. 29-10-2010 on the file of the Chairman, MACT-Cum-V Additional District Judge (II F.T.C), Warangal pending disposal of the MACMA.

Counsel for the Appellant: Sri. V Sambasiva Rao

Counsel for the Respondent No.1: Sri. M Rama Krishna (Not Present)

Counsel for the Respondent No.2: None Appeared

The Court made the following: ORDER

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

THE HON'BLE JUSTICE B.R.MADHUSUDHAN RAO

MACMA.No.894 OF 2016

DATED: 27th FEBRUARY 2026

Between:

The National Insurance Co. Ltd.,
Rep. by its Branch Manager,
Branch Office at H.No.8-12-2/1,
P.B.No.84, JPN Road, Warangal.

... Appellant-Respondent No.2

And

1. Masu Satyanarayana @ Satyam,
S/o.Rajaiah, aged 27 years,
Occ: Lorry Cleaner, N/o.Repakapalli Village,
Regonda Mandal, Warangal District.

... Respondent-Petitioner

2. Pagidi Shanker, S/o.Posham,
Aged Major, Occ: Owner of the
Crime vehicle, R/o.H.No.1-191,
Jenda Venkatapur Village, Nennela
Mandal, Adilabad District.

... Respondent-Respondent

JUDGMENT

1. This Memorandum of Civil Miscellaneous Appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the MV Act') assailing the award passed by the Motor Accidents Claims Tribunal - cum - V Additional District Judge, (II-F.T.C.), Warangal (for short 'the Tribunal') in M.V.O.P.No.830 of 2007, dated 29.10.2010.

2. Appellant is respondent No.2, respondent No.1 is the petitioner and respondent No.2 is respondent No.1 in the O.P.
3. None appears for the respondent No.1-petitioner.
4. Notice got issued to respondent No.2 in the Appeal is served but none appeared for him.
5. Learned counsel for the appellant-respondent No.2 submits that the learned Tribunal failed to look into the Insurance Policy which does not cover the Insurer's legal liability to the cleaner as no extra premium is paid by the Lorry owner (respondent No.2 herein). The learned Tribunal has awarded excess compensation and as per the contents of the charge sheet, it is clear case of contributory negligence and the other Lorry owner and their Insurer are not added as they are necessary parties in the O.P. and prayed to set aside the award.
6. Respondent No.1-petitioner has filed petition under Section 166(1)(a) of M.V.Act claiming compensation of Rs.5 Lakhs for the injuries sustained by him in the motor vehicle accident on 15.04.2006 against the respondent Nos.1 and 2 jointly and severally therein (appellant and respondent No.2 herein).
7. Respondent No.1-petitioner is examined as PW.1 and also examined PW.2 - Dr. M.Nagendra Babu, PW.3 - Dr. C.Raghuram and

got marked Exs.A1 to A8 and Ex.X1-Case sheet. Appellant-respondent No.2 has not adduced any evidence and got marked Ex.B1 - True copy of Insurance Policy.

8. The learned Tribunal taking into consideration the evidence adduced by the respondent No.1-petitioner has taken his income at Rs.2,700/- per month and arrived at Rs.32,400/- per annum (Rs.2,700/- x 12), taken the age as 23 years and applied multiplier '17' and arrived at Rs.5,50,800/- (32,400 x 17). Since the respondent No.1-petitioner has sustained 70% disability, arrived at Rs.3,85,560/- (Rs.5,50,800/- x 70/100). The learned Tribunal has also awarded an amount of Rs.15,000/- towards grievous injury, awarded Rs.3,000/- towards medicine, attendant charges, extra-nourishment and transportation charges. The total compensation awarded by the learned Tribunal is Rs.4,03,560/- (Rs.3,85,560/- + Rs.15,000/- + Rs.3,000/-).

9. The learned Tribunal while fixing the compensation has observed in Para Nos.19 and 20 which reads as under:

"19. On the other side the respondent-2 has got marked Ex.B-1 which has made it clear that respondent-1 is the registered owner of the lorry bearing No.AP-01W-0750 which was duly insured with the respondent-2 under the Policy No.551301/31/05/6300001871 valid from 24.2.2006 to 23.2.2007. Thereby as on the date of accident i.e. 15.4.2006 the

Insurance Policy of the Crime lorry was in force. In the absence of any evidence with regard to the violation of terms and conditions of the Policy, the respondent-2 has to Indemnify the respondent-1 and liable to pay compensation to the petitioner.

20. The involvement of the vehicle is proved from Ex.A1 certified copy of FIR and Ex.A2 certified copy of Charge sheet and the insurance of the vehicle is proved from Ex.B1 true copy of Insurance Policy. Therefore being the owner and insurer of the crime lorry bearing No.AP-01W-0750 the respondent Nos.1 and 2 are severally and jointly liable to pay compensation to the petitioner".

10. On perusal of the award passed by the learned Tribunal, the Tribunal has rightly fixed the liability on the appellant-respondent No.2. Appellant-respondent No.2 has not made out any case to interfere with the award passed by the learned Tribunal. There are no merits in the Appeal and the same is liable to be dismissed and accordingly dismissed.

11. Appeal is dismissed without costs.

As a sequel miscellaneous application/s pending if any shall stand closed.

Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, [II-FTC], Warangal. (With Records)
2. One CC to Sri. V Sambasiva Rao, Advocate [OPUC]
3. One CC to Sri. M Rama Krishna, Advocate [OPUC]
4. Two CD Copies

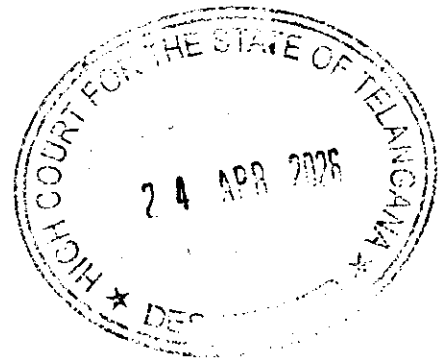
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HIGH COURT

DATED: 27/02/2026

JUDGMENT

MACMA.No.894 of 2016



DISMISSING THE MACMA

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

**FRIDAY, THE TWENTY SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE JUSTICE B.R.MADHUSUDHAN RAO

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Appeal filed under under Section 173 of M.V.Act., against the order and decree made in MVOP No.830 of 2007 dated 29.10.2010 on the file of the Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, [II-FTC], Warangal.

This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Court below and the material papers in the MVOP and upon hearing the arguments of Sri. V Sambasiva Rao, Counsel for the Appellants and of Sri. M Rama Krishna (Not Present), Advocate for the Respondent No.1 and None appeared for Respondent no.2.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is dismissed;
2. That there shall be no order as to costs in this appeal.

**Sd/- P. PONNA KRISHNA
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-V Additional District Judge, [II-FTC], Warangal.
2. Two CD Copies

Pr/BA

YCP

HIGH COURT

DATED: 27/02/2026

DECREE

MACMA.No.894 of 2016

**DISMISSING THE MACMA
WITHOUT COSTS**

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