



2025:TSHC:48629
[3296]

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

**TUESDAY, THE ELEVENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE
PRESENT**

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

M.A.C.M.A.NOs: 8, 51 AND 73 OF 2019

M.A.C.M.A.NOs: 8 OF 2019

Appeal filed under Section of Motor Vehicles Act against the Order and Decree made in M.V.O.P.No.81 OF 2017 dated 10-05-2018 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal - Cum - XII Additional Chief Judge, City Civil Court- at Secunderabad.

Between:

M/s The New India Assurance Co. Ltd., Represented by its Regional Manager,
R.O. Legal Cell, 5th Floor, Surya Towers, S.P. Road, Secunderabad - 500 003

...APPELLANT/RESPONDENT No.3

AND

1. Derangula Vijaya, W/o D. Hanumanthu, Aged about 24 years, Household
2. Derangula Shiva, D/o D. Hanumanthu, Aged about 6 years, Student
3. Derangula Ramcharan, S/o D. Hanumanthu, Aged about 5 years, Student
(Respondent Nos.2 and 3 are minors and are being Represented by their mother and natural guardian Derangula Vijaya i.e. Respondent No.1 herein)
4. Derangula Hanumaiah, S/o Venkaiah, Aged about 60 years, Occ- Nil
5. Derangula Venkatamma, W/o Hanumaiah, Aged about 55 years, Household
All are R/o H.No.11151-1, Bollaram, Secunderabad

RESPONDENT Nos.1 to 5/Petitioners

6. P. Kondaiah, S/o P. Pentaiah, Age- Major, Driver, R/o C-36, Lingupalle, Chandraspalli
7. Kondaboina Mallesh, S/o Bikshapathi, Age- Major, Business, R/o H.No.3-9/2, Yadgarpally Village, Keesara Mandal, Medchal - Malkajgiri District - 501 301

...RESPONDENT Nos.6 & 7/RESPONDENT Nos.1 & 2.

Counsel for the Appellant: SRI. A RAMAKRISHNA REDDY

Counsel for the Respondents 1 to 5:SRI. VLADIMEER KHATOON



2025:TSHC:48629

Counsel for the Respondents 6 & 7: None appeared

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 51 OF 2019

Appeal filed under Section of Motor Vehicles Act against the Order and Decree made in M.V.O.P.No.61 OF 2017 dated 10-05-2018 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal - Cum - XII Additional Chief Judge, City Civil Court- at Secunderabad.

Between:

M/s The New India Assurance Co. Ltd, Represented by its Regional Manager,
R.O. Legal Cell, 5th Floor, Surya Towers, S.P. Road, Secunderabad - 500 003

...APPELLANT/RESPONDENT No.3

AND

1. Muddangula Yashoda, W/o M. Srinu, Aged about 25 years, Household
2. Muddangula, D/o M. Srinu, Aged about 4 years, Student

(Respondent No.2 is minor and is being represented by her mother and natural guardian Muddangula Yashoda i.e. Respondent No.1 herein)

Both are R/o D.No.2-3/1A, Tarnaka, Secunderabad.

RESPONDENT Nos.1 & 2/Petitioners

3. P. Kondaiah, S/o P. Pentaiah, Age Major, Driver, R/o C-36, Lingupalle, Chandraspalli
4. Kondaboina Mallesh, S/o Bikshapathi, Age Major, Business, R/o H.No.3-9/2, Yadgarpally Village, Keesara Mandal, Medchal Malkajgiri District -501 301

...RESPONDENTS

Counsel for the Appellant: SRI. A RAMAKRISHNA REDDY

Counsel for the Respondents 1 and 2: SRI VLADIMEER KHATOON

Counsel for the Respondent 3 and 4: None appeared.

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 73 OF 2019

Appeal filed under Section of Motor Vehicles Act against the Order and Decree made in M.V.O.P.No.80 OF 2017 dated 10-05-2018 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal - Cum - XII Additional Chief Judge, City Civil Court- at Secunderabad.



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Between:

M/s The New India Assurance Co. Ltd., Represented by its Regional Manager,
R.O. Legal Cell, 5th Floor, Surya Towers, S.P. Road, Secunderabad - 500 003.

...APPELLANT/RESPONDENT NO.3

AND

1. Dasarla Alivelu, W/o D. Hanumanthi, Aged about 26 years, Household
2. Dasarla Akhila, D/o D. Hanumanthu, Aged about 8 years, Student
(Respondent No.2 is minor and is being Represented by her mother and natural guardian Dasarla Alivelu i.e., Respondent No.1 herein)
3. Dasarla Laxmaiah, S/o Chandraiah, Aged about 60 years, Occ. Nil
4. Dasarla Yadamma, W/o D. Laxmaiah, Aged about 55 years, Household

All are R/o H.No.1-51/3, Bowenpally, Secunderabad.

RESPONDENT Nos.1 to 4/Petitioners

5. P. Kondaiah, S/o P. Pentaiah, Age Major, Driver, R/o C-36, Lingupalle, Chandraspalli
6. Kondaboina Mallesh, S/o Bikshapathi, Age Major, Business, R/o H.No.3-912, Yadgarpally Village, Keesara Mandal, Medchal - Malkajgiri District - 501 301

...RESPONDENT Nos.5 & 9/Respondent Nos.1 & 2.

Counsel for the Appellant: SRI. A RAMAKRISHNA REDDY

Counsel for the Respondents 1 to 4: SRI VLADIMEER KHATOON

Counsel for the Respondents 5 & 6: None appeared.

The Court made the following: COMMON JUDGMENT



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HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

M.A.C.M.A.Nos.8, 51 and 73 of 2019

COMMON JUDGMENT:

These three appeals arise out of the same accident that occurred on 23.01.2017 and are directed against separate awards and decrees dated 10.05.2018 passed in M.V.O.P.Nos.81, 61 and 80 of 2017 by the learned Chairman, Motor Accidents Claims Tribunal-cum-XII Additional Chief Judge, City Civil Court, Secunderabad (for short "the Tribunal"). Since the issues involved in all these cases are one and the same, these appeals are being disposed of by this common judgment.

2. For the sake of convenience, hereinafter, the parties will be referred to as they were arrayed before the Tribunal.

3. The brief facts are that on 23.01.2017 at about 2.45 p.m., the deceased in each of the petitions were proceeding from Thimmaipally towards Keesara on a scooter bearing No.AP-13-D-1053, and when they reached Borenkula Bodu turning, Thimmaipally, a lorry tanker bearing No. TS-08-UA-3956, driven at high speed on the wrong side of the road, dashed against the scooter, resulting in the death of all three on the spot. The police registered a case in Crime No.29 of 2017 under Section 304-A IPC against the driver of the lorry. The

CHADA VIJAYA
BHASKAR REDDY

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claimants, being the legal heirs of the deceased, filed claim petitions under Section 166 of the Motor Vehicles Act, 1988, seeking compensation for the death of their respective family members. The driver, owner, and insurer of the lorry were arrayed as respondents. The respondent No.3/Insurance Company filed counters disputing the manner of accident, income, age, and occupation of the deceased, and contending that three persons were riding on a two-wheeler, which amounted to contributory negligence.

4. The Tribunal, on appreciation of the oral and documentary evidence adduced by both sides, held that the accident occurred due to the rash and negligent driving of the lorry tanker by its driver and fixed 25% contributory negligence on the part of the deceased. The Tribunal awarded compensation of Rs.14,99,250/- in M.V.O.P.No.61/2017, Rs.17,34,000/- in M.V.O.P.No.81/2017, and Rs.17,15,250/- in M.V.O.P.No.80/2017, together with interest at 9% per annum from the date of petition till realization, holding the respondents jointly and severally liable.

5. Heard Sri A. Ramakrishna Reddy, learned Standing Counsel for the appellants/Insurance Company, and Smt. Vladimeer Khatoon, learned counsel for the respondents/claimants and perused the record.



6. The learned Standing Counsel for the appellants/Insurance Company contended that the Tribunal failed to appreciate that three persons were travelling on a scooter, which is a clear violation of traffic rules, and therefore the contributory negligence should have been fixed at 40% instead of 25%. It is further contended that the Tribunal erred in awarding interest at 9% per annum, which is excessive and contrary to the settled legal position. He relied upon the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹ to contend that 7.5% per annum is the reasonable rate of interest to be awarded in motor accident claim cases.

7. On the other hand, the learned counsel for the respondents-claimants submitted that the compensation awarded by the Tribunal is just and reasonable and based on proper appreciation of evidence. It is contended that the Tribunal had already considered the aspect of contributory negligence and that the Insurance Company has not produced any evidence to justify any further reduction and ultimately prayed to dismiss the appeals.

8. The Tribunal, upon thorough examination of the FIR, charge sheet, inquest report, post-mortem report, and MVI report, rightly held that the accident occurred due to rash and negligent driving of

¹ 2013 ACJ 1403



the lorry tanker. The said finding has attained finality since it has not been challenged by the appellant.

9. As regards contributory negligence, this Court finds that the Tribunal has already taken into account that three persons were travelling on a two-wheeler and accordingly fixed 25% contributory negligence on the part of the deceased. The said finding is based on evidence and is in conformity with the settled legal position. Hence, no interference is warranted on that count.

10. Coming to the rate of interest, this Court finds force in the submission of the learned Standing Counsel for the Insurance Company. The Hon'ble Supreme Court in **Rajesh v. Rajbir Singh** and in several subsequent decisions held that the reasonable rate of interest to be awarded in motor accident claim cases shall be 7.5% per annum. Therefore, the rate of interest awarded by the Tribunal at 9% per annum is on the higher side and requires modification. Except for the modification in the rate of interest, the findings and awards passed by the Tribunal in all other respects are upheld as just and reasonable.

11. In the result, these appeals are partly allowed by reducing the rate of interest awarded by the Tribunal from 9% per annum to 7.5% per annum from the date of petitions till realization. The compensation amounts awarded by the Tribunal in M.V.O.P.Nos.81,

61 and 80 of 2017 are confirmed in all other respects. The terms relating to apportionment, deposit, and withdrawal shall remain unaltered. No order as to costs.

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

Sd/- M.JAWAHAR REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The Chairman, Motor Vehicle Accidents Claims Tribunal - Cum - XII Additional Chief Judge, City Civil Court- at Secunderabad. (With Records)
2. One CC to SRI. A RAMAKRISHNA REDDY, Advocate [OPUC]
3. One CC to SRI. VLADIMEER KHATOON, Advocate [OPUC]
4. Two CD Copies

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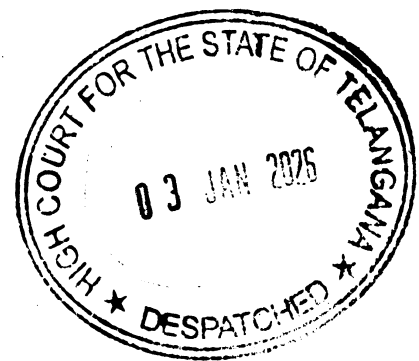


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HIGH COURT

CVBR, J

DATED: 11/11/2025



COMMON JUDGMENT

MACMA.Nos.8, 51 AND 73 OF 2019

PARTLY ALLOWING THESE MACMA'S

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

**TUESDAY, THE ELEVENTH DAY OF NOVEMBER
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5. Derangula Venkatamma, W/o Hanumaiah, Aged about 55 years, Household
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Yadgarpally Village, Keesara Mandal, Medchal - Malkajgiri District - 501 301

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MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 51 OF 2019

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...RESPONDENTS

Counsel for the Appellant: SRI. A RAMAKRISHNA REDDY

Counsel for the Respondents 1 and 2: SRI VLADIMEER KHATOON

Counsel for the Respondent 3 and 4: None appeared.

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 73 OF 2019

Appeal filed under Section of Motor Vehicles Act against the Order and Decree made in M.V.O.P.No.80 OF 2017 dated 10-05-2018 on the file of the Court of the Motor Vehicle Accidents Claims Tribunal - Cum - XII Additional Chief Judge, City Civil Court- at Secunderabad.

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All are R/o H.No.1-51/3, Bowenpally, Secunderabad.

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6. Kondaboina Mallesh, S/o Bikshapathi, Age Major, Business, R/o H.No.3-912, Yadarpally Village, Keesara Mandal, Medchal - Malkajgiri District - 501 301

...RESPONDENT Nos.5 & 9/Respondent Nos.1 & 2.

These appeals 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.A.Rama Krishna Reddy, Advocate for the Appellants in all MACMA'S and of Sri Vladimeer Khatoon for the Respondents 1 to 5 in MACMA 08 of 2019 and Respondents 1 to 2 in MACMA 51 of 2019 and Respondents 1 to 4 in MACMA 73 of 2019 and None appeared for Respondent no.6 & 7 in MACMA 08 of 2019 and Respondents 3 & 4 in MACMA 51 of 2019 and Respondents 5 & 6 in MACMA 73 of 2019.

This Court doth Order and Decree as follows;

1. That these MACMA's be and hereby are partly allowed;
2. That the compensation amount by reducing the rate of interest awarded by the Tribunal from 9% per annum to 7.5% per annum from the date of petitioners till realization;
3. That the compensation amounts awarded by the Tribunal in MVOP Nos 81, 61 and 80 of 2017 are confirmed in all other respects;



4. The terms relating to apportionment, deposit, and withdrawal shall remain unaltered;
5. That there shall be no order as to costs in this appeal.

Sd/- M.JAWAHAR REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To

1. The Chairman, Motor Vehicle Accidents Claims Tribunal - Cum - XII
Additional Chief Judge, City Civil Court- at Secunderabad.
2. Two CD Copies

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2025:TSHC:48629

HIGH COURT

CVBR, J

DATED: 11/11/2025

COMMON DECREE

MACMA.Nos.8, 51 AND 73 OF 2019

PARTLY ALLOWING THESE MACMA'S

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