

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE C.V. BHASKAR REDDY

M.A.C.M.A.Nos. 97 OF 2019 and 1397 of 2016

M.A.C.M.A.No.97 of 2019

Appeal filed Under Section 173 of Motor Vehicles Act, 1988 against the Order and decree in O.P.No.838 of 2010 dated.26/09/2015 on the file of the Court of the Motor Accident Claims Tribunal-cum- IV Additional District Judge Rangareddy District.

Between:

1. Gaaddampaly Sunitha, W/o. Late G.Pratap Reddy Aged 33 years, Occ Housewife R/o. SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.
2. Gaddampaly Mani Gowtham, S/o Late G.Pratap Reddy Aged 21 years, Occ Student R/o SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.
3. Gaddampaly Gaddampaly Laxmi Prasanthi, @ Annanya Sri D/o Late G.Pratap Reddy Aged 19 years, Occ Student R/o SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.
4. Gaddampaly Advaita, D/o Late G.Pratap Reddy Aged 10 years, Occ - Student R/o SLN Arcade-II, Flat.No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.
5. Gaddampaly Vijayamma, W/o Late Ramchandra Reddy Aged 60 years, Occ-Housewife R/o SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.

Petitioner No.4 is being minors rep by her mother and natural guardian who is Petitioner No.1 herein

(Petitioners 2 & 3 are declared as Majors and discharged from their guardianship vide Court order dt.14.10.2019 in I.A.No.3 of 2019)

...APPELLANT(S)

AND

1. P Kurma Rao, S/o Mallesh Aged Major, Occ- Business R/o Tandevalasa Village and Mandal, Srikakulam District - 532185.
2. Reliance General Insurance Company Ltd., Rep. by its Manager- Legal, Office at 4th floor, Sagar Plaza Abids, Hyderabad.

...Respondents

Counsel for the Appellants: Ms. G.JYOTHI KIRAN

Counsel for the Respondents: --

M.A.C.M.A.No.1397 of 2016

Appeal filed Under Section 173 of Motor Vehicles Act, 1988 against the Order and decree in O.P.No.838 of 2010 dated.26/09/2015 on the file of the Court of the Chairman Motor Accident Claims Tribunal-cum- IV Additional District Judge Rangareddy District.

Between:

Reliance General Insurance Company Ltd., Hyderabad. Rep. by its Manager - Legal, Office at 4th floor, Sagar Plaza, Abids, Hyderabad.

...Appellant/Respondent No.2

AND

1. G. Sunitha, Rangareddy District, W/o Late G. Pratap Reddy Age 33 years, Occ Housewife
2. Gaddampaly Mani Gowtham, S/o. Late G. Pratap Reddy Age 19 years, Occ Student.

(R2 Declare as Major and to Discharge the guardian Vide Court Order Dt.09.08.2016 in MACMAMP.No.3282 of 2016).

3. Gaddampaly Laxmi Prasanthi, D/o. Late G. Pratap Reddy Age 18 years, Occ Student.

(R3 Declare as Major and to Discharge the guardian Vide Court Order Dt.20.12.2017 in MACMAMP.No.4536 of 2017).

4. Gaddampaly Advaita, D/o. Late G. Pratap Reddy Age 14 years, Occ Student
Respondent Nos. 2 to 4 are being minors Rep. by their mother and natural guardian who is Respondent No. 1 herein.
5. Gaddampaly Vijayamma, W/O Late Ramachandra Reddy Age 60 years, Occ Housewife All R/o Flat No. 301, Venkatadrinilayam, Marigadarshni Colony, R. K. Puram, Ranga Reddy District.
6. P. Kurma Rao, S/o Mallesh, Aged Major, Occ Business, R/o Tandevalasa Village and Mandal, Srikakulam District - 532 185.

...Respondents

Counsel for the Appellant: SRI A.RAMAKRISHNA REDDY

Counsel for the Respondents: MS G.JYOTHI KIRAN

The Court made the following: COMMON ORDER

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

THE HON'BLE SRI JUSTICE C.V.BHASKAR REDDY

M.A.C.M.A.Nos.97 of 2019 and 1397 of 2015

DATE: 05.12.2025

Between:

Gaddampaty Sunitha and four others

....Appellants

AND

P. Kurma Rao and another

....Respondents

COMMON JUDGMENT:

These two appeals are being disposed of by this common judgment, since M.A.C.M.A.No.97 of 2019 filed by the claimants, seeking enhancement of the compensation and M.A.C.M.A.No.1397 of 2016 filed by the Insurance Company, are directed against the very same order and decree, dated 26.09.2015 passed in O.P.No.838 of 2010 by the Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Ranga Reddy District (for short "the Tribunal").

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

3. The brief facts of the case are that on 19.05.2010 the deceased along with other two persons were travelling in Innova Car bearing No.AP 28 CB 7479 from Orissa to Hyderabad and when they reached near Ampol Junction, Srikakulam Rural at about 6-00 am, the driver of a tipper bearing No.AP 30 V 8631 drove the same in a rash and negligent manner with high speed and dashed the Innova car, due to which the deceased received injuries and died on the spot. The Police Srikakulam Rural also registered a case in Crime No.99 of 2010 under Sections 304-A and 338 of IPC against the driver of the crime vehicle. Stating that the deceased was hale and healthy, he was practicing as an Advocate earning Rs.30,000/- per month and he also used to get income of Rs.20,000/- per annum from the agricultural lands situated at Gaggalapally Village, Mahaboobnagar and he used to contribute the same towards his family, the claimants, being the wife, children and mother of the deceased, filed the aforesaid claim petition before the Tribunal, under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of Rs.40,00,000/- for the death of the deceased.

4. Before the Tribunal, respondent No.1 i.e., owner of the crime vehicle, remained *ex parte*. Respondent No.2-Insurance Company contested the claim, stating that the driver of the

crime vehicle was not holding valid driving licence at the time of accident and as such the insurance company is not liable to pay compensation. It was contended that the accident occurred due to head on collision and as such the petition is bad for non-joinder of owner and insurance company of the Innova car. It was further pleaded that the amount claimed was excessive and prayed to dismiss the claim petition.

5. The Tribunal, after considering the oral evidence of PWs.1 to 4 and RW.1 and the documentary evidence i.e, Exs A1 to A7 and Ex.B1, held that the deceased died in the accident occurred due to the rash and negligent driving of the tipper driver and accordingly, awarded Rs.22,50,000/- towards compensation with interest at 7.5% per annum payable by respondent No.2- insurance company.

6. Learned counsel for the claimants contended that the compensation awarded by the Tribunal is grossly inadequate and in particular, the amounts granted under the heads of loss of love and affection, consortium, and loss of estate are meagre and insufficient and as such, learned counsel sought for enhancement of the compensation.

7. On the other hand, the learned Standing Counsel for the Insurance Company contended that the Tribunal failed to consider contributory negligence on the part of both drivers, and accordingly did not award any compensation against the owner or insurer of the Innova car. Learned Standing Counsel further contended that the Tribunal did not properly appreciate the evidence on record while fixing compensation, and that the amount awarded is excessive and as such prayed to set aside the impugned award passed by the Tribunal.

8. On a careful examination of the material on record, it is evident that the Tribunal has passed a well-reasoned judgment after due consideration of both oral and documentary evidence. In the absence of any material produced by the Insurance Company to disprove the police investigation or to establish that the vehicle was falsely implicated, the finding of the Tribunal fixing liability on respondent No.2-insurance company cannot be faulted. The quantum of compensation awarded by the Tribunal is based on sound reasoning and does not call for enhancement or reduction. Hence, there are no valid grounds to interfere with the impugned award passed by the Tribunal. Accordingly, both the appeals filed by the claimants and the Insurance Company are liable to be dismissed.

9. In the result, both the appeals are dismissed. No order as to costs.

Miscellaneous petitions pending, if any, shall stand dismissed.

SD/-M.NAGAMANI
ASSISTANT REGISTRAR

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SECTION OFFICER

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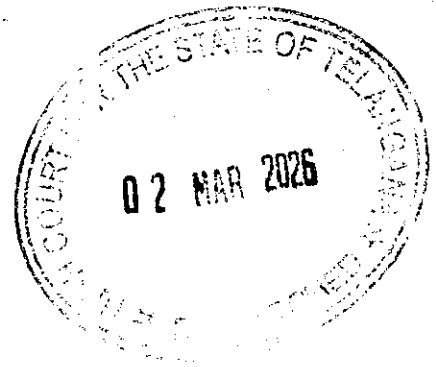
1. The Chairman Motor Accident Claims Tribunal-cum- J / Additional District Judge Rangareddy District.
2. One CC to Ms. G JYOTHI KIRAN Advocate [OPUC]
3. One CC to SRI A.RAMAKRISHNA REDDY, Advocate [OF JC]
4. Two CD Copies

NVB/PSL



HIGH COURT

DATED:05/12/2025



COMMON ORDER+ DECREE

MACMA.No.97 of 2019 and 1397 of 2016

DISMISSING THE BOTH THE M.A.C.M.A S

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M.A.C.M.A.No.97 of 2019

Between:

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2. Gaddampaly Mani Gowtham, S/o Late G.Pratap Reddy Aged 21 years, Occ Student R/o SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.
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5. Gaddampaly Vijayamma, W/o Late Rarnchandra Reddy Aged 60 years, Occ-Housewife R/o SLN Arcade-II, Flat No. 401, 4th Floor, Haripuri Colony, NTR Nagar, Hyderabad.

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1. P Kurma Rao, S/o Mallesh Aged Major, Occ- Business R/o Tandevalasa Village and Mandal, Srikakulam District - 532185.
2. Reliance General Insurance Company Ltd., Rep. by its Manager- Legal, Office at 4th floor, Sagar Plaza Abids, Hyderabad.

...Respondents

M.A.C.M.A.No.1397 of 2016

Between:

Reliance General Insurance Company Ltd., Hyderabad. Rep. by its Manager
- Legal, Office at 4th floor, Sagar Plaza, Abids, Hyderabad

...Appellan /Respondent No.2

AND

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...Respondents

Appeal filed Under Section 173 of Motor Vehicles Act,1938 against the Order and decree in O.P.No.838 of 2010 dated.26/09/2015 on the file of the Court of the Chairman Motor Accident Claims Tribunal-cum- IV Additional District Judge Rangareddy District in both Cases.

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 Ms. G.JYOTHI KIRAN, Advocate for the Appellant in MACMA.No.97 of 2019 and Respondent Counsel in MACMA.No.1397 of 2016 and of SRI A.RAMAKRISHNA REDDY, Advocate for the Appellant in

MACMA.No.1397 of 2016, and none appeared for the respondents in MACMA.No.97 of 2019.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeals are hereby Dismissed.
2. That there shall be no order as to costs in this appeal.

**SD/-M.NAGAMANI
ASSISTANT REGISTRAR**



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SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal-cum- IV Additional District Judge Rangareddy District.
2. Two CD Copies

NVB/PSL



HIGH COURT

DATED:05/12/2025

DECREE

MACMA.No.97 of 2019 and 1397 of 2016

DISMISSING THE BOTH THE M.A.C.M.A'S

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