

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

**MONDAY, THE FOURTH DAY OF JULY  
TWO THOUSAND AND TWENTY TWO**

**PRESENT**

**THE HONOURABLE SRI JUSTICE SAMBASIVARAO NAIDU**

**MACMA.No.382 of 2018**

Appeal under Section 173 of M.V. Act against the Order and Decree made in MVOP No. 287 of 2014 dated 02.06.2017 on the file of the Court of the Chairman, Motor Accident Claims Tribunal cum the court of the Chief Judge, City Civil Court, Hyderabad.

**Between:**

1. Telangana State Road Transport Corporation, (Prior to bifurcation known as Andhra Pradesh State Road Transport Corporation), Rep. by its Vice Chairman and Managing Director, Musheerabad, Hyderabad
2. Telangana State Road Transport Corporation, The Depot Manager, (Prior to bifurcation known as Andhra Pradesh State Road Transport Corporation), Ranigunj Depot, Ranigunj, Secunderabad.

**...APPELLANTS/RESPONDENTS**

**AND**

1. C. Satyanarayana, S/o. C. Babaiah R/o. H.No. 11-1-664/6, Seetharambagh, Asif Nagar, Hyderabad.
2. C. Swathi, W/o. C. Satyanarayana, H.No. 11-1-664/6, Seetharambagh, Asif Nagar, Hyderabad.
3. C. Sai Kumar, S/o. C. Satyanarayana, R/o. H.No. 11-1-664/6, Seetharambagh, Asif Nagar, Hyderabad.

**...RESPONDENTS/PETITIONERS**

**Counsel for the Appellants: SRI N. VASUDEVA REDDY**

**Counsel for the Respondents: SRI THANDU SRINIVAS**

**The Court delivered the following: JUDGMENT**

**HONOURABLE SRI JUSTICE SAMBASIVA RAO NAIDU**

**M.A.C.M.A.NO.382 of 2018**

**JUDGMENT:**

This appeal has been preferred by the State Road Transport Corporation of Telangana, against the award passed by the Motor Accident Claims Tribunal, Hyderabad, in M.V.O.P.No.287 of 2014 by which the trial Court awarded a sum of Rs.7,73,000/- against the claim of Rs.9,00,000/-. The respondents No.1 and 2 are the parents and respondent No.3 is the younger brother of one C.Vishnu Kumar, who herein after will be referred a deceased and who died in a road accident.

2. They have filed a petition under Section 166 of Motor Vehicles Act, which was registered as M.V.O.P.No.287 of 2014 before the Motor Accident Claims Tribunal, Hyderabad and sought for an amount of Rs.9,00,000/- towards compensation for the death of deceased in a road accident. According to the material averments in the said petition, it was their case that on 28.11.2013, while the deceased was proceeding towards Secunderabad, on a Honda motorcycle and when he reached Basheerbagh flyover, the driver of AP 29 Z 3550 drove the bus in high speed, in a rash and negligent manner and dashed the

deceased, due to which he fell down on the road from his bike, bus ran over him. The petition was contested by respondent RTC, who are appellants in the present appeal on the ground that there was no accident by the said bus and that they disputed the age, income etc., of the deceased. The father of the deceased was examined as PW.1, one more witness was also examined on behalf of the claimants. They marked Exs.A1 to A8 which includes copies of FIR, charge sheet, PME report, MVI report, qualification of the deceased etc., The Court below having accepted the contention of claimants, awarded Rs.7,73,000/- and apportioned the amount on the parents.

3. The learned counsel fairly conceded the accident, mainly argued that the Court below awarded excess amount of compensation, added 50% of future prospects which is against the finding of judgment in "**Insurance Company Vs. Pranay Sethi and Ors.**"<sup>1</sup> case, and the amounts awarded under the other heads are also excess and against the findings of the Hon'ble Apex Court in **Pranay Sethi (supra) case**, thereby, sought for reducing the compensation amount.

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<sup>1</sup> 2017 (6) ALT 60 (SC)

4. Now the point for consideration is :

*Whether the trial Court awarded excess amount, if so, whether award can be set aside by reducing the compensation amount as prayed for?*

5. The main claim for my consideration in the present appeal is about the income of the deceased, addition of 50% towards future prospects and award of amounts under the other heads. According to the record placed before this Court, the respondents/claimants No.1 and 2 lost their son, who was aged about 23 years, and who was a student with a bright future, in a road traffic accident. It is true, they did not place any evidence with regard to the correct income of the deceased. The appellants did not place any evidence before the Court to believe that the deceased was not a student. As per the averments made in the First Information Report and according to the averments made in PME report, it is clear that the deceased was 23 years old. Even though, the respondents/claimants were unable to prove that he was earning some money by attending electrical works etc., it can safely be presumed that he after completing the Graduation can easily earn atleast a sum of Rs.200/- per day and Rs.6,000/- per month. The Court below considered the income of the deceased as Rs.4,000/- per month. It is true 50% of the above said income is

added as future prospects. The Court below having added 50% of the said income, considered the income of the deceased as Rs.6,000/- per month and after deduction of 50% of the income as his living expenses calculated the loss as Rs.36,000/- per annum and the Court below having applied '18' multiplier considered the loss of income as Rs.6,48,000/-. Though no specific evidence is placed about the actual or expected income of the deceased, he being a student of 23 years can earn Rs.200/- per day and Rs.6,000/- per month after completing the graduation and if 40% of the said income is added as future prospects it is Rs.8,400/-, thereby, the respondents/claimants could have awarded more compensation. Therefore, the amount awarded by the Court below itself is very low. I feel, the conclusion of the trial Court that the loss of dependency at Rs.6,48,000/- cannot be disturbed.

6. It is true, the Court below awarded Rs.1,00,000/- towards loss of love and affection, Rs.25,000/- towards transportation and funeral expenses. It is true in the judgment in **Pranay Sethi (supra) case**, the Hon'ble Apex Court was pleased to observe that an amount of Rs.15,000/- be awarded towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.40,000/- towards loss of consortium. Since the

respondents/claimants i.e., parents of the deceased are entitled to Rs.55,000/- each, it would be Rs.1,10,000/- and if Rs.15,000/- is added towards funeral expenditure again the amount is Rs.1,25,000/-. Therefore, the amount awarded by the Court below a sum of Rs.1,25,000/- is also need not be disturbed. Therefore, there are no merits in the appeal and it is liable to be dismissed.

7. In the result, appeal is dismissed.

Consequently, Miscellaneous applications if any, are closed.

No costs.

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SD/-B.SATYAVATHI  
DEPUTY REGISTRAR

  
SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal -cum- Chief Judge, City Civil Court, Hyderabad. (with records)
2. One CC to Sri N. Vasudeva Reddy, Advocate [OPUC]
3. One CC to Sri Thandu Srinivas, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED: 04/07/2022

JUDGMENT

MACMA.No.382 of 2018



DISMISSING THE MACMA  
WITHOUT COSTS

⑥  
PM  
19/12

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Appeal under Section 173 of M.V. Act against the Order and Decree made in MVOP No. 287 of 2014 dated 02.06.2017 on the file of the Court of the Chairman, Motor Accident Claims Tribunal cum the court of the Chief Judge, City Civil Court, Hyderabad.

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 Suit and upon hearing the arguments of Sri N. Vasudeva Reddy, Advocate for the Appellants and of Sri Thandu Srinivas, Advocate for the Respondents.

This Court doth Order and Decree as follows:

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

//TRUE COPY//

SD/-B.SATYAVATHI  
DEPUTY REGISTRAR

  
SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal -cum- Chief Judge, City Civil Court, Hyderabad.
2. Two CD Copies
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HIGH COURT

DATED: 04/07/2022

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DISMISSING THE MACMA  
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