

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

FRIDAY, THE TWENTY SECOND DAY OF DECEMBER  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY  
AND  
THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 784 OF 2011**

Appeal filed under section 173 of Motor Vehicles Act against the order and decree in M.V.O.P.No.162 of 2008 dated 10.12.2010 on the file Court of the Chairman Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court at Secunderabad.

**Between:**

M/S ICICI Lombard General Insurance Company Limited, Rep. by its Divisional Manager, D.No.3-6-365/A/B, Ground Floor, Sama Towers, Opp Stanza, Liberty Circle, Himayathnagar, Hyderabad

**...APPELLANT/RESPONDENT No.2**

**AND**

1. P.Karuna, W/o late P. Srirama Srinivas, aged 34 years, Occ: House Wife R/o H.No.10-287/1, Vasanthapuri Colony, Kalkajiri , Secunderabad.
2. P.Kalidas, S/o late P.Srirama Rao, aged 67, Occ: R/o H.No.10-287/1, Vasanthapuri Colony, Kalkajiri , Secunderabad.
3. P. Vedavalli, W/o P.Kalidas, aged 60 years, Occ: House Wife R/o H.No.10-287/1, Vasanthapuri Colony, Kalkajiri , Secunderabad.
4. P.Khalvida, D/o late P.Srirama Srinivas Student, aged 4 years, Occ:Student, Minor, rep by her mother Res.No.1

**RESPONDENTS/PETITIONERS**

5. K.R.Yadagiri, S/o K.R.Kishan, Aged 45 years, Occ: Business, H.NO.7-1-86, Ganganpahad, Rajender Nagar, Ranga Reddy District.

**...RESPONDENTS/RESPONDENTS**

**Counsel for the Appellant: SRI. KOTA SUBBA RAO**

**Counsel for the Respondent NO.1 to 4 :SRI J VENKATESWARA REDDY**

**Counsel for the Respondent NO.5: --**

**The Court made the following: JUDGMENT**

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY  
AND  
THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA**

**M.A.C.M.A.No.784 OF 2011**

**JUDGMENT:** *(per Hon'ble Sri Justice P.SAM KOSHY)*

The challenge in the present appeal is to the award dated 10.12.2010 passed by the Motor Accident Claims Tribunal-cum-I Additional Chief Judge, City Civil Court at Secunderabad (for short "the Tribunal"), in M.V.O.P.No.162 of 2008.

2. *Vide* the impugned award, the Tribunal, in a death case, has awarded compensation of Rs.60,00,000/- with interest @ 7.5% per annum.

3. The present is an appeal filed by the appellant-Insurance Company assailing the quantum of compensation awarded by the Tribunal.

4. During the course of hearing, learned counsel for the appellant-Insurance Company admitted the fact that, there is no dispute so far as date of accident, the vehicle involved in the accident, the vehicle being insured with the appellant-Insurance Company and the income of the deceased is concerned. The only point of dispute raised by the appellant-Insurance Company is that considering the fact that the deceased was a probationer in service,

it cannot be considered to be a regular employment and therefore, the applicability of 50% towards future prospects by the Tribunal, in the light of the decision of Supreme Court in ***National Insurance Corporation Vs. Pranay Sethi***<sup>1</sup>, was uncalled for and it ought to have been 30% and therefore the impugned award should be interfered to the aforesaid extent. However, on perusal of the pleadings and the evidence which has come on record and which has been discussed by the Tribunal, what is evidently clear is the fact that the deceased in the instant case was working with the Lanco Hills Technology Park Private limited as a Deputy Manager (Projects). Ex.A5 is the letter of appointment issued which has been exhibited through the wife of the deceased. Ex.A5 also shows that he was appointed with an annual package of Rs.5,00,000/-. PW-1 had also produced the salary slip for the month of March, 2008 i.e., the salary slip of the preceding month in which the deceased had died, which would show that there was a gross salary of Rs.36,513/- with a net pay of Rs.32,213/-. It was this salary which has been accepted by the Tribunal for the quantification of the compensation. Only because the deceased was appointed as a probationer does not mean that the appointment given by the company is not a regular appointment.

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<sup>1</sup> (2017 ACJ 2700 (SC))

The order of appointment itself speaks that he was offered with a regular employment and that was the reason his initial services was kept under probation, which is not otherwise available in the case of temporary employees. Therefore, the contentions raised by the appellant-Insurance Company do not find force so far as the status of employment and future prospects is concerned.

5. For the aforesaid reasons, we do not find any sufficient grounds calling for any interference with the impugned award. The appeal thus fails and is accordingly rejected.

6. The appellant-Insurance Company is directed to ensure that the balance amount payable to the claimants in terms of the award, dated 10.12.2010, is deposited within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, miscellaneous applications, if any pending shall stand closed.

//TRUE COPY//

Sd/- T JAYASREE  
ASSISTANT REGISTRAR

SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-I Additional Chief Judge City Civil Court at Secunderabad. (With Records if any)
2. One CC to SRI. KOTA SUBBA RAO, Advocate [OPUC]
3. One CC to SRI. J VENKATESWARA REDDY, Advocate [OPUC]
4. Two CD Copies

SNJ/PR

CHR

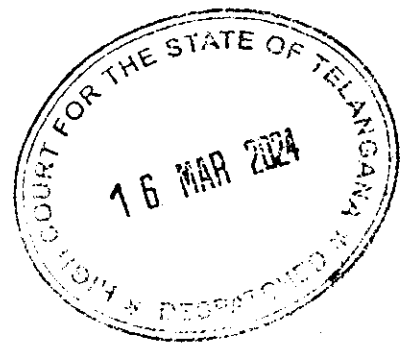


**HIGH COURT**

**DATED:22/12/2023**

**JUDGMENT**

**MACMA.No.784 of 2011**



**REJECTING THE MACMA**

⑥ CHK  
20/02/24

**IN THE HIGH COURT FOR THE STATE OF TELANGANA  
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**...RESPONDENTS/RESPONDENTS**

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**ORDER:** 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 SRI. KOTA SUBBA RAO, Advocate for the Appellants and of SRI J VENKATESWARA REDDY, Advocate for the Respondent No.1 to 4.

This Court doth Order and Decree as follows:

1. That the MACMA be and hereby is rejected;
2. That there shall be no order as to costs in this appeal.

//TRUE COPY//

Sd/- T JAYASREE  
ASSISTANT REGISTRAR

  
SECTION OFFICER

To

1. The Chairman, Motor Accident Claims Tribunal-cum-I Additional Chief Judge City Civil Court at Secunderabad. (With Records if any)
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**HIGH COURT**  
**DATED: 22/12/2023**

**DECREE**

**MACMA.No.784 of 2011**

**REJECTING THE MACMA**

⑥ CHR  
20/02/24