

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

**MONDAY, THE TWENTY SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HON'BLE SRI JUSTICE P. SAM KOSHY
AND
THE HON'BLE SRI JUSTICE N. TUKARAMJI**

M.A.C.M.A.No: 3979 of 2012

Between:

1. Kalyanapu Padma, W/o.late K.Trinath Babu, Age:42 years, Occ: House hold.
2. Kalyanapu Mounika, D/o.late K.Trinath Babu, Age:22 years, Occ: Student.
3. Kalyanapu Siddartha, S/o.late K.Trinath Babu, Age:21 years, Occ: Student.
4. Kalyanapu Sarveshwar Rao, S/o.Tirupathi Babu, Age:69 years, Occ: Agriculture.
5. Kalyanapu Surya Kumari, W/o. Sarveshwar Rao, Age:64 years, Occ: House hold.

All are residents of Ramnagar, Adilabad, Adilabad District.

...Appellants/Petitioners

AND

1. D. Sujatha, W/o Sampath Rao, Age: Major Owner of Jeep No. AP -1-U-2929, R/o.4-47, Janmabhoomi Nagar, Mancheri, Adilabad District.
2. The New India Assurance Company Limited, rep by its Branch Manager O/o. Mancheri, Adilabad District.

...Respondents/Respondents

Appeal under Section 173 of M.V.Act., against the Judgment and Decree dated 21-08-2012 made in M.V.O.P.No.457 of 2003 on the file of the Court of the Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Adilabad.

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 S. SURENDER REDDY, Advocate for the

appellants and of SRI KATTA LAXMI PRASAD , Advocate for the Respondent No.2 and None Appeared for the Respondent No.1.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is partly allowed with proportionate costs;
2. That the petitioners be and hereby are entitled for total compensation of Rs.12,61,100/- (Rupees Twelve Lakhs Sixty one thousand and one hundred only);
3. That the rate of interest and the ratio of apportionment among the petitioners be and hereby are maintained as per the impugned order;
4. That the respondent No.2/insurer be and hereby is directed to deposit the differential compensation amount within four weeks from the date of receipt of a copy of this order. Accordingly the impugned order stands modified;
5. That the appellants/petitioners be and hereby are entitled to Rs.123/- to be paid by the respondents as proportionate costs; and
6. That as Mr. Katta Laxmi Prasad, learned counsel rendered services on behalf of the respondent No.2/insurer is entitled for professional fee from the respondent No.2/insurer as per the agreed terms and conditions.

<u>MEMORANDUM OF PROPORTIONATE COSTS</u> <u>MACMA.No. of</u>		
S.No.	Particulars	Rs. Ps.
1.	Stamps for Vakalatnama	05.00
2.	Stamps used for the Memo of grounds	25.00
3.	Stamps for Judgment of the Lower Court	01.00
4.	Stamps for decree of the Lower Court	02.00
5.	Value of Copy Stamp paper used for enclosures	30.00
6.	Advocate's fee (Fee Certificate not filed)	00.00
7.	Batta and Postage	50.00
8.	Court fee	10.00
	TOTAL	123.00

(The Appellants/petitioners are entitled to Rs.123/- to be paid by the respondents in MACMA No.3979 of 2012)

Sd/- T. JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//



SECTION OFFICER

To,

1. The Chairman, Motor Accidents Claims Tribunal-cum-District Judge, Adilabad
2. Two CD Copies

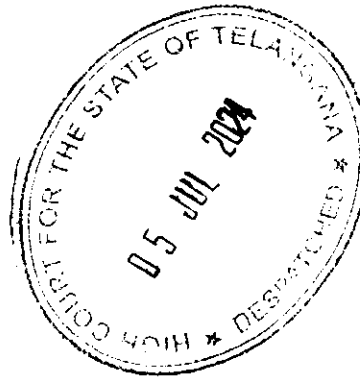
BGV/kam



HIGH COURT
DATED:26/02/2024

DECREE

MACMA.No.3979 of 2012



PARTLY ALLOWING
THE MACMA WITH
PROPORTIONATE COSTS

④ VLV
15/6/24