IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY,THE TWENTY SECOND DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1498 OF 2023

Appeal filed u/sec.173 Motor Vehicles Act against the order and decree in M.V.O.P.No.495 of 2010 dated 27/09/2022 on the file of the Court of the Chairman Motor Accident Claims Tribunal-Cum- I Addl.District Judge, Warangal.

Between:

1. IFTCO TOKIO General Insurance Co.Ltd.,, Branch Office, Opp SBH (Hanamkonda Branch, First Floor. Sai Arcade, Near TMC, Adalat, Hanamkonda, Warangal District, Rep. by Its Legal Managar, BRR Complex, 6-3-1107 and 6-3-1108. 1st Floor, Above HSBC Bank, Raj Bhavan Road, Somajiguda. Hyderabad

...Appellant/Respondent No.3

AND

1. Vankudothu Kannayya alias Kannaiah, S/o. Chandru. Agee 35 years, Occ: Agriculture
2. Vankudothu Kavitha, W/o. Kannayya alias Kannaiah. Age 27 years, Occ: House hold,

   Both are R/o.Thallakunta Thanda, H/o.D.C. Thanda Village, Wardhannapet Mandal, Warangal District

...Respondents/Petitioners

3. Banothu Earya ,, S/o.Sunder. Age Major, Occ: Driver of Crime Vehicle, R/o.Enugallu Village, Parvathagiri Mandal. Warangal District.
4. Manda Ravi, S/o.Sanjeeva. Age Major, Occ: Owner of the crime vehicle, R/o.11.No.23-2-59/7, Indira Nagar Colony, Near Government High School, New Shayampet, Hanamkonda, Warangal District.

...Respondents/Respondents

IA NO: 3 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay of all further proceedings of the execution of the Judgement and decree passed in MVOP No.495 of 2022 (MVOP No. 411 of 2018 old) dated 27.09/2022, on the file of MACT cum I Additional District Judge, Warangal pending disposal of the above appeal.

Counsel for the Appellants:Sri. KONDADI AJAY KUMAR

Counsel for the Respondent No.4:Sri.Ennamsetty Akhil

The Court delivered the following: JUDGMENT

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

THE HON'BLE SRI JUSTICE GADI PRAVEEN KUMAR

M.A.C.M.A. No.1498 of 2023

Date of Order : 22-12-2025

Between :

IFFCO TOKIO General Insurance Co. Ltd. .... Appellant.

And

1. Vankudothu Kannayya @ Kannaiah and three others. .... Respondents.

JUDGMENT:

Heard Sri Chandra Kanth, learned counsel representing Sri Kondadi Ajay Kumar, learned counsel for the appellant and Sri Ennamsetty Akhil, learned counsel for respondent No.4, and perused the record.

2. The present Appeal is filed by the appellant Insurance Company being aggrieved by the Award dated 27.09.2022 passed by the learned Chairman, Motor Accidents Claim Tribunal-cum- I Additional District Judge, Warangal (for short 'the Tribunal') in M.V.O.P.No.495 of 2022 allowing the claim of the claimants and awarding compensation of

Rs.5,00,000/- with proportionate costs and interest @ 7.5% p.a., from the date of filing of the petition till the date of realization.

3. The facts leading to file the OP are that on 19.06.2017 at about 18.00 hours, when the deceased Vankodothu Tirupathi, aged 6 years was playing nearby culvert, on the soil dump situated on the road side, at that time respondent No.1 was leveling the road with Road Roller bearing No.TS-09-AY-TR 4982 and drove the same in a rash and negligent manner with high speed without taking any precautionary measures and passed the Road Roller on the deceased, as a result of which, the deceased died on the spot. The police also registered a case vide Cr.No.121/2017 and after investigation, filed charge sheet under Section 304-A IPC against the driver of the crime vehicle/Road Roller.

4. The claimants, who are parents of the deceased, filed OP before the learned Tribunal claiming compensation of Rs.5,00,000/- on account of the death of their 6 years old son.

5. Respondent Nos.3 and 4 herein remained exparte before the learned Tribunal. The appellant/respondent No.3 filed counter-affidavit denying the averments made in the petition, contending that the Insurance Company is not liable as respondent No.3 is not holding valid and effective

driving license at the time of alleged accident contravening Section 5 of the Motor Vehicles Act, 1988 and breach of the Motor Vehicle Rules, 1989.

6. Basing on the above pleadings, the learned Tribunal framed the following issues:

> *"(1) Whether the accident occurred on 19.6.2017 at about 18.00 hours at Thallakunta Thanda, Wardhannapet Mandal, Warangal District due to rash and negligent driving of driver of Road Roller bearing No.TS 09 AY TR 4982 causing death of the deceased/*
>
> *(2) Whether the petitioners are entitled to compensation as claimed for? If so, to what extent and from whom?*
>
> *(3) To what relief?"*

7. Before the learned Tribunal, on behalf of the claimants, P.Ws.1 and 2 were examined and Exs.A-1 to A-6 were marked. On behalf of the appellant, R.Ws.1 and 2 were examined Exs.B-1, B-2 and Exs.X-1 to X-3 were marked.

8. Learned Tribunal, basing on the pleadings and upon appreciation of evidence on record, considered the annual notional income of the deceased as Rs.30,000/- and applied the multiplier of '15', which comes to Rs.4,50,000/- and the same was awarded besides adding a sum of

Rs.50,000/- towards loss of love and affection, funeral and estate, and thus, in all awarded a sum of Rs.5,00,000/-.

9. Learned counsel for the appellant contended that the learned Tribunal erroneously granted compensation of Rs.5,00,000/- without appreciating the evidence of R.Ws.1 and 2 and Exs.B-1 to B-2 as well as Exs.X-1 to X-3 produced on behalf of the appellant to substantiate the claim of the appellant that the driver was holding MCWG, Tractor & Trailer (Non-Transport) valid from 13.06.200 to 12.06.2022, tractor and trailer (Transport) valid upto 20.07.2012 and as such, the driver was not holding specific driving license to drive the road roller which is a special class vehicle. By contending as above, it is prayed that the Appeal should be allowed by setting aside the order passed by the learned Tribunal.

10. Learned counsel for the appellant further contended that the learned Tribunal ought not to have granted interest at 7.5% p.a., which is more than lending and prevailing rates of Reserve Bank of India as per the judgment of the Hon'ble Apex Court in ***Anthony Swamy's*** case.

11. I have given my earnest consideration to the contentions advanced.

12. Upon perusal of the record, the accident is not in dispute, and the learned Tribunal awarded the compensation taking into consideration the contribution of the deceased towards the claimants, which is about Rs.30,000/- p.a. only and applied multiplier of 15 besides awarding an amount of Rs.50,000/- towards loss of love and affection, in all the learned Tribunal granted compensation of Rs.5,00,000/- under all Heads. The learned Tribunal is justified in granting the said compensation.

13. Though, several issues are raised, since Motor Vehicles Act is a piece of beneficial and social welfare legislation enacted with the object of providing just and reasonable compensation to victims of road accidents and their dependants, its provisions are required to be interpreted liberally so as to advance the purpose for which the statute has been enacted, rather than to defeat it on technical grounds.

14. In the present case, this Court finds that the learned Tribunal has duly appreciated the evidence on record and has passed a well-reasoned order in consonance with the settled principles governing motor accident claims. No illegality, perversity or infirmity has been pointed out warranting interference by this Court. Accordingly, this Court deems it appropriate to confirm the order passed by the learned Tribunal.

15. Accordingly, M.A.C.M.A.No.1498 of 2023, along with all connected applications, is dismissed. There shall be no order as to costs.

16. As a sequel, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

SD/- M.JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

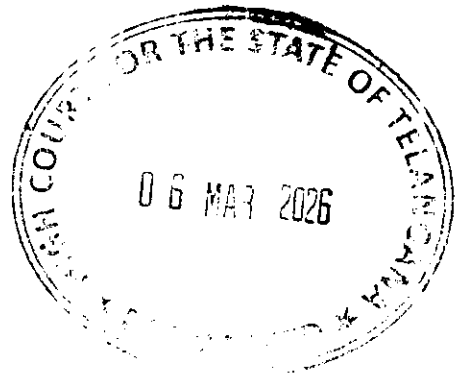
1. The Motor Accident Claims Tribunal - Cum - I Addl.District Judge, Warangal.(with records if any)
2. One CC to Sri. Kondadi Ajay Kumar Advocate [OPUC]
3. One CC to Sri. Ennamsetty Akhil Advocate [OPUC]
4. Two CD Copies

psl

HIGH COURT

DATED:22/12/2025

JUDGMENT
MACMA.No.1498 of 2023



DISMISSED THE MACMA

(6)
18/02/26

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

MONDAY,THE TWENTY SECOND DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

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Between:

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2. Vankudothu Kavitha, W/o. Kannayya alias Kannaiah. Age 27 years, Occ: House hold,

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This appeal 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,Konda Ajay Kumar Advocate for the Appellant and of Sri.Ennamsetty Akhil, Advocate for the Respondent No.4

This Court doth order and decree as follows:

1. That the MACMA along with all connected applications be and hereby is Dismissed;
2. That save as aforesaid, the decree of the Tribunal shall stands confirmed in all other respects; and
3. That there shall be no order as to costs in this appeal

SD/- M.JAWAHAR REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal - Cum - I Additional District Judge, Warangal.
2. Two CD Copies

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HIGH COURT

DATED:22/12/2025

DECREE
MACMA.No.1498 of 2023

DISMISSED THE MACMA

18/02/26