IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 9 OF 2024

Appeal filed under Section 173 of M.V.Act, against the Order and Decree dated 02-01-2023 passed in MVOP.No. 28 of 2018 on the file of the court of the Chairman, Motor Accident Claims Tribunal cum XI Additional Chief Judge, City Civil Courts at Hyderabad.

Between:

National Insurance Company Ltd., Rep. by It's Manager, T.P.HUB, 5-8-568, 1st Floor, Jubilee Building, Abids, Nampally Station Road, Hyderabad.

...Appellant/Respt. No. 3 in O.P.,

AND

1. Afroz Bin Abubakar Dayani, S/o. Abubakar, 28 years, Pvt. Employee, H.No. 18-9-30/12/5/A/1, Chandrayanagutta, Hyderabad.

...Respondent/Petitioner in O.P.,

2. Md. Shareef, S/o. Mohd. Bawaudddin, 55 years, Driver, HNO. 7-6-152/1/4, Indiranagar, Hasannagar, Rajendranagar (M), Rangareddy District.

...Respondent/Respt-1 in O.P.,

3. Shaik Khaja, S/o. Shaik Abdul Khadeer, Major, Business, H.No. 19-4-298/1/1, Mir Sajar, Bahadurpura, Hyderabad. (Owner of Lorry NO. AP 36 Y 3999).

...Respondent/Respt-2 in O.P.,
...Respondents.

IA NO: 3 OF 2024

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 including the execution of the Judgment and Decree, dated 02-01-2023 in MVOP NO: 28 of 2018 Passed by the MACT-XI Additional Chief Judge, City Civil Courts at Hyderabad.

Counsel for the Appellant : Sri V Sambasiva Rao

Counsel for the Respondent No.1: Sri Kota Subba Rao

The Court delivered the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA

AT HYDERABAD

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

M.A.C.M.A.No.9 OF 2024

DATE: 23.12.2025

Between:
National Insurance Company Ltd.

...Appellant

AND

Afroz Bin Abubakar Dayani, S/o Abubakar,
28 years, Pvt. Employee, H.No.18-9-30/12/5/A/1,
Chandrayanagutta, Hyderabad and two others.

...Respondents

JUDGMENT

Heard Sri V. Sambasiva Rao, learned counsel for the appellant, and Sri Kota Subba Rao, learned counsel for the respondents.

2. The present appeal is filed by the appellant – National Insurance Company Limited, assailing the order dated 02.01.2023 passed in M.V.O.P.No.28 of 2018 by the Motor Accident Claims Tribunal–cum–XI Additional Chief Judge, City Civil Court, Hyderabad (for short, "the Tribunal"), whereby the Tribunal allowed the claim petition and granted compensation of Rs.22,94,553/- with interest at 6% per annum from the date of filing of the petition till realization, contending that the said award is illegal and arbitrary.

3. The facts leading to the filing of M.V.O.P.No.28 of 2018 are that on 10.07.2017 at about 1:30 a.m., the respondent/claimant left his house on his motor cycle bearing No.TS 11 EF 3523, proceeding towards Falaknuma. While he was taking a 'U' turn near Falaknurna Railway Bridge after observing traffic on both sides of the road, a lorry bearing No.AP 36 Y 3999 came from behind at high speed and dashed against his motorcycle. As a result, the claimant fell on the road and sustained grievous injuries, namely fracture of two ribs on the right side, right pelvic fracture, dislocation of right shoulder, head injury, and multiple injuries all over the body.

4. Immediately after the accident, the claimant was shifted to SVS Hospital, Kachiguda, where he was admitted as an inpatient. Subsequently, he was shifted to Owaisi Hospital, Kanchanbagh, and admitted in the NICU from 12.07.2017 to 17.07.2018. Based on the said incident, Chandrayangutta Police Station registered a case in Crime No.176 of 2017 under Section 337 IPC against the lorry driver.

5. The claimant filed the petition before the learned Tribunal seeking compensation of Rs.10,00,000/- under various heads for the injuries sustained in the accident. It was contended that prior to the accident, he was hale and healthy and was the sole breadwinner of his family. Due to the injuries, he suffered severe mental agony, financial loss, and was

unable to work, thereby affecting his livelihood.

6. Before the Tribunal, respondent Nos.1 and 2 remained *ex- parte*. Respondent No.3, the appellant herein, filed a counter affidavit denying the claim. It was contended that respondent No.2 failed to furnish particulars of the policy, date, time, and place of the accident. It was further contended that, invoking the protection under Sections 147 and 149 of the Motor Vehicles Act, the appellant filed a petition under Section 170 of the Act to take all defenses available to the insured and to contest the case on all grounds apart from those specified under Section 149(2) of the Act. Accordingly, the appellant prayed for dismissal of the petition.

7. Based on the pleadings, the learned Tribunal framed the following issues for consideration:

i. *Whether the accident had occurred due to the rash and negligent driving of the driver of crime vehicle i.e., Lorry bearing No.AP 36 Y 3999?*

ii. *Whether the claimant is entitled for compensation? If so, to what extent and from whom?*

iii. *To what relief?*

8. On behalf of the claimant, P.W.1 to P.W.6 were examined and Exhibits A-1 to A-8 were marked. In contrast, on behalf of the appellant-company, no witness was examined, and the only document produced

was the copy of the policy, marked as Ex.B-1.

9. The learned Tribunal, taking into consideration Ex.A-7 (original salary certificate) and Ex.A-4 (original disability certificate issued by P.W.5), wherein the disability of the claimant was assessed at 30%, awarded compensation of Rs.22,94,553/- under various heads.

10. Learned counsel for the appellant vehemently contended that the claimant is not entitled to the compensation as awarded by the learned Tribunal and that except the salary certificate, no other documentary evidence was produced to substantiate the income of the claimant.

11. On the other hand, learned counsel for the respondents contended that the award passed by the learned Tribunal is just and reasonable, based on the evidence available on record. It was further contended that Ex.A7 is the original salary certificate and is a relevant document, and therefore no interference is warranted.

12. Learned counsel for the respondents further contended that during the cross-examination of P.W.1, suggestions were made only with regard to income and not with respect to employment or other particulars.

13. Learned counsel for the respondents placed reliance on the judgments in ***Rahul v. National Insurance Co. Ltd. and another***[1]**,**

[1] 2024 (5) ALD 134 (SC)

Hari Om v. National Insurance Co. Ltd. and others,[2] K. Ramya and others v. National Insurance Co. Ltd. and another[3], Mohd. Afsar v. N. Laxmi Narayana and another[4] and Afrin Begum @ Afreen and others v. Parvatham and another[5]."

14. Learned counsel for the respondents further relied upon Rule 476 of the A.P. Motor Vehicles Rules, 1989, which reads as follows:

> **(6)** "***Award of Claim:***
>
> *The Claims Tribunal shall obtain whatever information necessary from the Police, Medical and other authorities and proceed to award the claim whether the parties who were given notice to appear or not on the appointed date.*
>
> ***Basis to award the claim:***
>
> *The Claims Tribunal shall proceed to award the claim on the basis of:*
>
> *(v) The nature of the treatment given by the Medical Officer who has examined the victim.*"

15. I have given my earnest consideration to the pleadings, the submissions made by the learned counsel on both sides, and perused the entire record.

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[2] 2023 ACJ 595
[3] 2022 (6) ALD 213 (SC)
[4] 2025 (1) ALD 164 (TS)
[5] 2020 (6) ALD 619 (TS)

16. Admittedly, the occurrence of the accident is not in dispute. The learned Tribunal, based on the evidence of P.Ws.1 to 6 and Exs.A-1 to A-8, particularly Ex.A-7 (salary certificate), awarded compensation of Rs.22,94,553/-.

17. In view of the judgments relied upon by the learned counsel for the respondents, and considering that the Motor Vehicles Act is a beneficial and social welfare legislation intended to provide just and reasonable compensation to victims of road accidents, the provisions of the Act are required to be interpreted liberally to advance the object of the legislation rather than to defeat it on technical grounds.

18. Therefore, this Court does not find any reason to interfere with the award passed by the learned Tribunal and accordingly, the MACMA is dismissed. There shall be no order as to costs.

Miscellaneous applications, if any, pending in this Appeal shall stand closed.

SD/- A. SREENIVASA REDDY
ASSISTANT REGISTRAR

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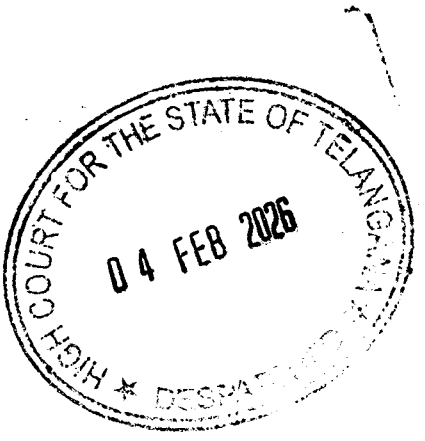
SECTION OFFICER

To,
1. The Chairman, Motor Accident Claims Tribunal cum XI Additional Chief Judge, City Civil Courts at Hyderabad(with records, if any)
2. One CC to Sri V Sambasiva Rao, Advocate [OPUC]
3. One CC to Sri Kota Subba Rao, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:23/12/2025



JUDGMENT

MACMA.No.9 of 2024

DISMISSING THE APPEAL

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IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY THIRD DAY OF DECEMBER TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

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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 argument of Sri V Sambasiva Rao, Advocate for the Appellant and Sri Kota Subba Rao for Respondent No.1

This Court doth Order and Decree as follows:

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

SD/- A. SREENIVASA REDDY
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Chairman, Motor Accident Claims Tribunal cum XI Additional Chief Judge, City Civil Courts at Hyderabad.
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AS/SA

HIGH COURT

DATED:23/12/2025

DECREE

MACMA.No.9 of 2024

DISMISSING THE APPEAL

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