IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF JULY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2741 OF 2018

Appeal Under Section 173 of Motor Vehicles Act aggrieved by the Judgment and Decree in O.P.No. 799 of 2012 dated 31-03-2018 on the file of the Court of the Chairman Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda (FAC: III Additional District Judge, Nalgonda).

Between:

1. Nadimpally Shobha, W/o. Mallaiah, Age- 30 years, Occ- House hold,
2. Nadimpally Shravan Kumar, S/o. Mallaiah, Age- 25 years, Occ- Student,
3. Nadimpally Jaya Sudha, D/o. Mallaiah, Age- 24 years

   All are R/o. Narketpally Village and Mandal, Nalgonda District.

...Appellants/Petitioners

AND

1. Nadimpally Parthasarathi, W/o. Mallaiah, Age- 32 years, R/o. Narketpally Village and Mandal, Nalgonda District.
2. Bajaj Allianz General Insurance Company Ltd.,, 608 and 609, 2nd Block, White House, Begumpet, Hyderabad- 500G16,

   Rep. by its Branch Manager. (Policy No. MC101644226 Valid from 19-05-2011 to 18-05-2012)

...Respondents

Counsel for the Appellants: Smt. ANNAPURNA SREERAM

Counsel for the Respondent No.2: SRI SRINIVASA RAO VUTLA

The Court made the following: JUDGMENT

THE HONOURABLE SMT. JUSTICE RENUKA YARA

M.A.C.M.A.No.2741 of 2018

JUDGMENT:

Heard Smt.Annapurna Sreeram, learned counsel for the appellants/claimants and Sri Srinivasa Rao Vutla, learned standing counsel for respondent No.2/Insurance Company. Perused the entire record.

2. This is an appeal preferred by the appellants/claimants aggrieved by the order passed by the learned Chairman, Motor Accidents Claim Tribunal-cum-III Additional District Judge at Nalgonda (for short 'the Tribunal') in O.P.No.799 of 2012, dated 31.03.2018, wherein, the Tribunal awarded compensation of Rs.2,74,000/- as against the claimed amount of Rs.6,00,000/- on account of death of one Nadimpally Andalu in a road traffic accident.

3. On 25.04.2012, the deceased was returning home on a motor cycle bearing No.AP-24-AM-6068 belonging to respondent No.1, who is non else than her son, as pillion rider and it was being driven by one Ch.Venkatapathy, and when they entered into Narketpally Village, the rider of the motor cycle drove in a rash and negligent manner and high speed, due to which, the deceased fell from the motorcycle. As a result, the deceased

sustained injuries and she was shifted to KIMS, Narketpally, for treatment and from there, she was shifted to Osmania General Hospital, Hyderabad where she succumbed to injuries on 26.04.2012 while undergoing treatment. Consequently, the claimant Nos.1 and 3 are daughters and claimant No.2 is son of the deceased have filed claim petition seeking compensation jointly and severally from the respondent No.1-owner of crime vehicle, respondent No.2-insurer of the crime vehicle.

4. The claimant No.1 got herself examined as PW1 and an eye witness was examined as PW2 and exhibited Exs.A1 to A6. In response, on behalf of respondents, RW1 was examined and exhibited Ex.B1 to B3.

5. On the basis of evidence adduced by both the parties, the Tribunal awarded compensation of Rs.2,74,000/- with interest at 7.5% per annum and the same is subject matter of the present appeal.

6. In grounds of appeal, the claimants contended that the income of the deceased ought to have taken at Rs.8,000/- per month whereas tribunal has taken an amount of Rs.3,000/- per month. The tribunal has not considered the salary certificate, Ex.A6 filed to prove the income of the deceased as sweeper in Raasi Factory. Further, the tribunal has not awarded future

prospects and consortium. Lastly, the counsel sought increase in the percentage of interest to be awarded on the compensation awarded.

7. During arguments in appeal, the learned counsel for the claimants contended that the Tribunal has not considered the income of the deceased as a sweeper and as well as housewife and thereby taken the income of the deceased meagerly at Rs.3,000/- per month and also referred a judgment of the Hon'ble Supreme Court of India in ***Shaikh Sadik Shaik Rafique Vs. Reliance General Insurance Company Limited and Others***[1] wherein it was held as follows:

> *Ramachandrappa Vs. Manager, Royal Sundaram Alliance, 2-11 13 SCC 236 determined an income of Rs.4,500/- per month in the year 2004 for a coolie. A Constituion Bench in National Insurance Company Limited vs. Pranay Sethi and Others, 2017 16 SCC 680 found that there would be an incremental increase in the income which according to us would be reasonable if fixed at Rs.500/- per month for every successful year.*

8. Further, learned counsel for appellants sought for compensation towards future prospects and consortium. In response, learned counsel for the Insurance Company contended that the tribunal considered an income of Rs.3,000/-

[1] 2025 LawSuit (SC) 707

per month and since no one was examined to prove the contents of Ex.A6 salary certificate, the tribunal did not consider the income of the deceased at Rs.5,872/-. Responding to the judgment in Shaik Sadik's case (1 Supra), it is argued that even for a non earning victim, the claimants are relied upon he said judgment.

9. No other point is pointed is pressed by both the Counsels.

10. Having regard to the rival contentions, since no one is examined to prove the Ex.A6, the same cannot be taken into consideration. Further, the police record clearly establishes that the deceased was a sweeper. Therefore, Rs.3,000/- is taken as notional income for half of the year i.e., the total notional income is taken at Rs.6,000/- per month. Coming to the compensation under the head of loss of dependency to which the claimants are entitled, as per National Insurance Company Limited vs. Pranay Sethi and Others[2], 10% future prospects has to be added as the deceased was self-employed. Thus, the net monthly income comes to Rs.6,600/- (Rs.6,000/- + Rs.600/-). Considering the net annual income at Rs.79,200/- (Rs.6,600 x 12), if 1/3rd of the said income is deducted towards personal expenses, the annual contribution of the deceased to

[2] 2017 16 SCC 680

the claimants would be Rs.52,800/-. If the said amount is multiplied by the appropriate multiplier '11' as was rightly taken by the Tribunal relying on ***Smt. Sarla Varma Vs. Delhi Transport Corporation***[3], the total compensation under the head of 'loss of dependency' would be Rs.5,80,800/-. In addition, the appellants/claimants are entitled to an amount of Rs.25,000/- towards funeral expenses and Rs.40,000/- towards loss of estate and loss of consortium. In addition thereof, claimant Nos.1 to 3 who are children of the deceased are entitled to Rs.44,000/- each under the head of 'parental consortium'.

11. Thus, in all, the total compensation payable would be Rs.7,77,800/- instead of Rs.2,74,000/- as awarded by the Tribunal.

12. Accordingly, M.A.C.M.A. is allowed. The compensation amount awarded by the Tribunal is hereby enhanced from Rs.2,74,000/- to Rs.7,77,800/-, which shall carry interest at 9% p.a. on the enhanced compensation from the date of petition till the date of realization. However, the claimants shall pay the deficit Court Fee on the enhanced compensation. The compensation amount shall be apportioned among the

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[3] 2009(6) SCC 121

claimants in the same proportion in which original compensation amounts were directed by the Tribunal. Respondent Nos.1 and 2 shall deposit the said amount within two months from the date of receipt of a copy of this judgment. On such deposit, claimants are permitted to withdraw the entire amount. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this appeal, shall stand closed.

SD/-M.NAGAMANI
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda (FAC: III Additional District Judge, Nalgonda) (With records, if any)
2. One CC to Smt. Annapurna Sreeram, Advocate [OPUC]
3. One CC to Sri Srinivasa Rao Vutla, Advocate [OPUC]
4. One CC to Nadimpally Parthasarathi, W/o.Malliah, R/o. Narketpally Village and Mandal, Nalgonda District.
5. Two CD Copies

ABK/PSL

HIGH COURT

DATED: 23/07/2025



JUDGMENT

MACMA.No.2741 of 2018

ALLOWING THE MACMA WITHOUT COSTS

10/11/25

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE TWENTY THIRD DAY OF JULY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE RENUKA YARA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2741 OF 2018

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Appeal Under Section 173 of Motor Vehicles Act aggrieved by the Judgment and Decree in O.P.No. 799 of 2012 dated 31-03-2018 on the file of the Court of the Chairman Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda (FAC: III Additional District Judge, Nalgonda).

ORDER: This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Tribunal and the material papers in the MVOP and upon hearing the arguments of Smt. Annapurna Sreeram, Advocate for the Appellants and of Sri Srinivasa Rao Vutla, Advocate for the Respondent No.2 and none appeared for the Respondent Nos. 1

This Court both Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and hereby is Allowed;

2. That the Compensation amount awarded by the Tribunal is hereby enhanced from Rs.2,74,000/- to Rs. 7,77,800/- which shall carry interest at 9% per annum on the enhanced compensation from the date of petition till the date of realization;

3. That, the claimants shall pay the deficit Court Fee on the enhanced compensation.

4. That the compensation amount shall be apportioned among the claimants in the same proportion in which original compensation amounts were directed by the Tribunal;

5. That the Respondent Nos. 1 and 2 shall deposit the said amount within two months from the date of receipt of a copy of this Judgment;

6. That on such deposit, claimants are permitted to withdraw the entire amount;

7. That save as aforesaid, the decree of the Tribunal shall stands confirmed in all other respects; and

8. That there shall be no order as to costs in this appeal.

SD/-M.NAGAMANI
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman Motor Accident Claims Tribunal-cum-I Additional District Judge, Nalgonda (FAC: III Additional District Judge, Nalgonda).
2. Two CD Copies

ABK/PSL

HIGH COURT

DATED: 23/07/2025

DECREE

MACMA.No.2741 of 2018

ALLOWING THE MACMA WITHOUT COSTS

10/11/25