APHC010585512022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3600]**
(Special Original Jurisdiction)

TUESDAY, THE 17th DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No: 445/2022 & 73 of 2021

M.A.C.M.A.No.445 of 2022

Between:

1. LEBURU GIRIJESWARI @ GIRIJA, W/0 LATE SURESH BABU, AGED ABOUT 36 YEARS, RESIDING AT VENKATESWARAPURAM, NELLORE, SPSR NELLORE DISTRICT. NATIVES OF D NO 2-33A, NARASINGAPURAM CHITTOOR DISTRICT
2. L.V.S. S MURARI, S /0 LATE SURESH BABU. AGED ABOUT 36 YEARS, RESIDING AT V,.NKZ-LTESWARAPURAM, NELLORE, SPSR NELLORE DISTRICT. NATIPERCENT ES OF D NO 2-33A, NARASINGAPURAM CHITTOOR DISTRICT.
3. L.V PUNITH, S/O LATE SURESH BABU. AGED ABOUT 36 YEARS, RESIDING AT VENKATESWARAPURAM, NELLORE, SPSR NELLORE DISTRICT. NATIVES OF D NO 2-33A, NARASINGAPURAM CHITTOOR DISTRICT.
4. L LAKSHMI DEVAMMA,, W/O SUBRAMANYAM, HINDU, AGED ABOUT 60 YEARS, RESIDING AT VENKATESWARAPURAM S P S NELLORE DISTRICT NATIVES OF D NO 2-33A, NARASINGAPURAM, CHITTOOR DISTRICT.

...APPELLANT(S)

AND

1. SEELAM NAGARJUNA REDDY, S/O KRISHNA REDDY, AGED ABOUT 22 YEARS, DRIVER OF EICHER LORRY BEARING REGISTRATION NO AP 20 TC 4076, RESIDING AT RAGHUNADHA GUDEM VILLAGE, CHANDRUPATLA, KALLURU, KHAMMAM DISTRICT, TELANGANA STATE.
2. SEELAM RAMA KRISHNA REDDY, S/O NARAYANA REDDY, AGED ABOUT 22 YEARS. OWNER OF EICHER LORRY BEARING

REGISTRATION NO AP 20 TC 4076. RESIDING AT RAGHUNADHA GUDEM VILLAGE, CHANDRUPATLA, KALLURU, KHAMMAM DISTRICT, TELANGANA STATE

3. RELIANCE GENERAL INSURANCE CO LTD, REPRESENTED BY ITS BRANCH MANAGER NELLORE, SPSR NELLORE DISTRICT.

...RESPONDENT(S):

Appeal filed under Section 173 of MV Act before the High Court Aggrieved by the order and decreetal order to the extent appealed in M.V.O.P No. 626 of 2017 Dt 18.03-2020 on the file of the Court of Principal Motor Accidents Claims Tribunal, Nellore the Appellant prefers Memorandum of Motor Accident Civil Miscellaneous Appeal for the following and among other that may urged at the time hearing

IA NO: 1 OF 2022

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 pleased to condone the delay of 154 days in filing the appeal in the interests of justice and pass

Counsel for the Appellant(S):

1. SIVAPRASAD REDDY VENATI

Counsel for the Respondent(S):

1. N RAMA KRISHNA
2.

M.A.C.M.A. NO: 73/2021

Between:

1. RELIANCE GENERAL INSURANCE CO., LTD.,, REP. BY ITS BRANCH MANAGER NELLORE.

...APPELLANT

AND

1. LABURU GIRIJESWARI GIRIJA, W/O. LATE LEBURU SURESH BABU AGED ABOUT 36 YEARS, HINDU
2. L V S S MURARI, S/O. LATE LEBURU SURESH BABU AGED ABOUT 10 YEARS, HINDU
3. L V PUNITH, S/O. LATE LEBURU SURESH BABU AGED ABOUT 7 YEARS, HINDU
4. L LAKSHMI DEVAMMA, W/O. SUBRAMANYAM, AGED ABOUT 60 YEAR, HINDU (PETITIONERS ARE PRESENTLY RESIDING AT VENKATESWARAPURAM, S.P.S. NELLORE DISTRICT NATIVES OF D.NO.2-33A, NARASINGAPURAM, CHITTOOR DISTRICT)
5. ARAMA SHANKAR, S/O. SRI SIVA PUJARI NISHAD MALE, AGED ABOUT 44 YEARS, DRIVER OF TATA HITACHI ROCK BREAKER 200 LC R/O. MOGAL SARAI, BANARAS DISTRICT UTTARPRADESH

STATE.

6. SRI SURYA EARTH MOVING, REP. BY ITS OWNER. R/O. 19-5-23, RAMACHANDRAOPET, RAJAHMUNDRY, EAST GODAVARI DISTRICT OWNER OF THE TATA HITACHI ROCK BREAKER 200 LC

...RESPONDENT(S):

Appeal filed under Section 173 of MV Act before the High Court pleased to allow this appeal by setting aside the judgment and decree passed in M.V.O.P.No.626 of 2017 on the file of Motor Vehicle Accident Claims Tribunal Cum Principal District Judge, Nellore, dated 18th day of March, 2020 and pass

IA NO: 1 OF 2021

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 Pleased to grant stay the execution of the order/Award in M.V.O.P No.626 of 2017on the file of the Motor Vechile Accident Claims Tribunal-Cum-Principal District Jduge,Nellore dated 18 day of March 2020 pending dsiposal of the appeal and pass

IA NO: 2 OF 2021

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 pleased to vacate the interim order granted in I.A. No.1 of 2021 in MACMA NO. 73 OF 2021 and pass

Counsel for the Appellant:

1. N RAMA KRISHNA

Counsel for the Respondent(S):

1. SIVAPRASAD REDDY VENATI

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL Nos.445 of 2022 & 73/2021

The Court made the following:

COMMON JUDGMENT: *(Per Hon'ble Sri Justice B. Krishna Mohan)*

Heard the learned counsel for the appellant and the learned counsel appearing for the respondents/insurance company.

2. M.A.C.M.A.No.445 of 2022 was preferred against the order in M.V.O.P.No.626 of 2017, on the file of the Principal Motor Accidents Claims Tribunal-Cum-Principal District Judge, Nellore, dated 18.03.2020, seeking enhancement of compensation. At the same time, M.A.C.M.A.No.73 of 2021 was preferred by the respondent-Insurance Company questioning the very same award. Hence, these appeals are being disposed of by way of this Common Judgment.

3. The Tribunal awarded compensation of Rs.49,12,446/- with interest @ 9% per annum from the date of petition till the date of realization, along with the other incidental directions as detailed therein.

4. The learned counsel for the appellant/claimants submits that, the Tribunal ought not to have deducted 10% towards income tax in spite of 5% from the annual income of the deceased. Since, the dispute was the Government employee considering which of the deceased also, the Tribunal ought not to have considered 30% future prospects in spite of 25% of the

income of the deceased. Since, the claimants are four in number, in the personal and living expenses in spite of 1/3rd, the 1/4th of the annual income of the deceased should have deducted and similar loss of consortium was not given to other appellants/claimants.

5. On the other hand, the learned counsel appearing for the respondent/Insurance Company referred to rate of interest was fixed 9% per annum by the Tribunal below in spite of 7.5%. He further submits that deceased was travel in lorry/offending evidence were they are travel in excess travelers in the same lorry. Hence, the pay/recovery may be ordered.

6. In view of the above said facts and circumstances and upon consideration of the rival submissions made, it is to be seen that the Tribunal below while considering and dispose of the above said M.V.O.P. on merits, relied upon the evidences of P.W.1 to P.W.3, R.W.1 & R.W.2 and the documents marked as Exs.A1 to A5, Exs.X1 & X2 and Ex.B1. It is a case of death, upon consideration of the relevant material available on record, the Tribunal below awarded the compensation under different heads is detailed hereunder:-

Description	Calculation	Amount
Income Per Annum	38432 x 12	Rs.4,61,184.00
Less : Income Tax : 10%	461184 x 10%	Rs.46,118.00
Annual Income After Deduction of Income Tax	461184 - 46118	Rs.4,15,066.00
Future Prospects on Actual Income : 25%	415066 x 25%	Rs.1,03,767.00
Income with future Prospects	415066 x 103767	5,18,833.00
Personal and living expenses : 1/3	518833 x 1/3	Rs.1,72,944.00
Contribution to family	518833 - 172944	Rs.3,45,889=00

Multiplier	14	
Compensation on applying multiplier	345889 x 14	Rs.48,42,446=00
Funeral Expenses		Rs.15,000=00
Loss of Consortium to First Petitioner		Rs.40,000=00
Loss of estate		Rs.15,000=00
COMPENSATION PAYABLE		**49,12,446.00**

7. As per the Judgment of the Hon'ble Supreme Court of India in the case of ***Manorma Sinha & Anr Vs. Divisional Manger, Oriental Insurance Company Limited & Anr***[1] in Special Leave to Appeal (C) No.19878/2022, dated 15.10.2025, the Income Tax slab prevailing at the relevant order have to be taken into consideration.

8. The learned counsel for the appellants/claimants points out that, for the financial year 2017-2018, for the income between Rs.2,50,000/- to Rs.5,00,000/- the tax to be deducted @5% of income. Whereas, the Tribunal below deducted the Income Tax @10%. Therefore, the same is to be modified to 5% for the deduction of the Income Tax.

9. Accordingly, the income per annum is to arrived at Rs.4,61,184.00/- (38,432x12). Since there was no income tax was payable on income up to Rs.2,50,000/- and the taxable income would be Rs.2,11,184/- (Rs.4,61,184 - Rs.2,50,000). On the said taxable income, 5% towards income tax would amount to Rs.10,599.21/-. After deducting the said amount form the annual income of Rs.4,61,184/-, the net annual income would come to Rs.4,50,624.81/- (Rs.10,599.21 – Rs.4,61,184/-). Accordingly, the annual income after deduction of income tax is modified at Rs.4,50,624.81/- instead of Rs.4,15,066/-.

[1] 2025 SCC Online SC 2241

10. Similarly, the future prospects on the annual income are considered @30% instead of @25%. Accordingly, 30% of Rs.4,50,624.81/- amount to Rs.1,35,187.44/-. Accordingly, the income tax with future prospects would come to Rs.5,85,812.25/- (Rs.4,50,624.81 + Rs.1,35,187.44). Since there are four claimants, 1/4th of the income is to be deducted towards the personal and living expenses of the deceased. Accordingly, 1/4th of Rs.5,85,812.25/- come to Rs.1,46,453/-. Accordingly, the contribution to the family would come to after deduction Rs.4,39,359/- (Rs.5,85,812.25 - Rs.1,46,453). The compensation by applying multiplier of '14', the compensation towards loss of dependency would come to Rs.61,51,026/- (Rs.4,39,359/- x 14). The loss of consortium has already been awarded to one of the claimants, an additional amount of Rs.1,20,000/- (40,000/- x 3) is payable to the other family members. Since we have awarded loss of consortium to each claimant and the loss estate of Rs.15,000/- is removed. Accordingly, the total compensation is to be modified as under:

Sl.No.	**Description of the Head**	**Compensation Awarded**
1.	Annual Income of the deceased	Rs.4,61,184
2.	Annual income after deduction of income tax	Rs.4,50,624.81
3.	Annual income inclusive of 30% future prospects	Rs.5,85,812.25
4.	Annual contribution to family after deduction of 1/4th towards personal and living expenses	Rs.4,39,359
5.	Loss of dependency (Rs.4,39,359/- x 14)	Rs.61,51,026.00
6.	Funeral Expenses	Rs.15,000.00

7.	Loss of Consortium to all the claimants	Rs.1,60,000.00
	TOTAL	**Rs.63,26,026=00**

11. Accordingly, the total compensation is enhanced to Rs.63,26,026/- with interest at the rate of 7.5% per annum from the date of petition till the date of realization. The respondent/Insurance Company is directed to deposit the balance amount of compensation, after deducting the amount already deposited, to the credit of the above said M.V.O.P. within a period of six (06) weeks from the date of receipt of this order and on such deposit, the appellants/claimants are permitted to withdraw the same, without furnishing any security, in proportionality, as fixed by the Tribunal below in the above said Award. The balance amount of awarded compensation, if any, shall be int terms of the said modification.

12. Accordingly, these appeals are disposed of. There shall be no order as to costs. Interim order if any deemed to have been vacated.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE B. KRISHNA MOHAN

JUSTICE SUBHENDU SAMANTA

17.11.2026
BSM/KSK

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

AND

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

M.A.C.M.A.Nos.445 of 2022 & 73 of 2021

Date: 16.11.2026

BSM/KSK