APHC010065982010

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3396]**
**(Special Original Jurisdiction)**

WEDNESDAY, THE 18th DAY OF NOVEMBER 2026

**PRESENT**

**THE HONOURABLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL No: 1127/2010**

**Between:**

UNITED INDIA INSURANCE COMPANY LIMITED, TENALI, REP.BY ITS BRANCH MANAGER, BR. OFFICE, 6-42-1, WARD NO.5, DR. VULLAKKI STREET.

**...APPELLANT**

**AND**

1. KOMARABATHINI VENKATESWARAMMA, W/O LATE KOMARABATHINI RAJA BABU HOUSE WIFE R/O GUDIPUDI VILLAGE, BAPATLA MANDAL, GUNTUR DIST.
2. KOMARABATHINI BHANU CHANDER, S/O LATE KOMARABATHINI RAJA BABU STUDENT R/O GUDIPUDI VILLAGE, BAPATLA MANDAL, GUNTUR DIST.
3. KOMARABATHINI MADHAVI, D/O LATE KOMARABATHINI RAJA BABU STUDENT R/O GUDIPUDI VILLAGE, BAPATLA MANDAL, GUNTUR DIST.
4. KOMARABATHINI SRIKANTH, S/O LATE KOMARABATHINI RAJA BABU, STUDENT, R/O. GUDIPUDI VILLAGE, BAPATLA MANDAL, GUNTUR DIST.
5. UDUMULA ASHOK KUMAR REDDY, S/O PITCHI REDDY DRIVER R/O MORRISPET, TENALI, GUNTUR DIST.
6. LALNAYAK SUBHAVAT, S/O LAKSHMIRAM BUSINESS R/O 20-26-34/2, CHINARAVUKU POST, TENALI MANDAL.

**...RESPONDENT(S):**

**Counsel for the Appellant:**

1. PENUMAKA VENKATA RAO

**Counsel for the Respondent(S):**

1. M. KARIBASAIAH

**The Court made the following:**

**JUDGMENT:**

**1.** This appeal is preferred under Section 173 of the Motor Vehicles Act, 1988 (for short "M.V.Act") by the Appellant / Insurance Company against the Order and Decree dated 04.04.2008 passed by the Chairman, Motor Accidents Claims Tribunal-cum-II Additional District Judge, Vijayawada (for short "the Tribunal"), in M.V.O.P.No.782 of 2005 granting compensation of Rs.7,39,812/- to the Petitioners in view of the death of the deceased in a motor accident.

**2.** For the sake of convenience, the parties are hereinafter referred to as they are arrayed before the Tribunal.

**3.** The case of the Petitioners / Claimants, in brief, is that on 25.04.2005 at about 8.15 a.m., when the deceased Komarabathini Raja Babu, who worked as Veterinary Live Stock Assistant along with assistants engaged a truck auto bearing No.AP 7 X 5723 (hereinafter referred to as "the offending vehicle"), loaded the stock into the auto and accompanying the stock they boarded the auto. When the auto reached Kunchalavaripalem bridge, the driver of the auto drove the same in a rash and negligent manner, lost his control, suddenly applied brakes, due to which the auto fell down to its right side. The other live stock assistants and the driver of the offending vehicle had fallen on the deceased. As a result, the deceased died on the spot. A case in Crime No.24

of 2005 was registered on the file of Cherukupalli P.S. for the offences under Sections 304-A and 337 IPC.

(ii) As such, the Petitioners, who are the wife and children of the deceased, filed a petition claiming compensation of Rs.13,00,000/- in view of the death of the deceased in the said accident.

(iii) The learned Tribunal, on appreciation of the oral and documentary evidence adduced, awarded compensation of Rs.7,39,812/- to the Claimants with proportionate costs and interest @ 7.5% per annum from the date of petition till realization direction Respondent No.3 to pay the compensation first and then recover from the owner of the offending vehicle.

(iv) Aggrieved by the quantum of compensation awarded to the Claimants, the Insurer filed the present appeal.

**4.** Heard Sri Penumaka Venkata Rao, learned counsel for the Appellant / Insurance Company and Sri M.Karibasaiah, learned counsel for Respondents / Claimants.

**5.** Considering the submissions made, the point that would emerge for consideration in this appeal is:

*Whether the quantum of compensation awarded by the Tribunal is excessive or exorbitant, or whether the same warrants interference by this Court?*

**POINT:**

**6.** There is no dispute with regard to the factum of the accident due to the rash and negligent driving of the driver of the offending vehicle.

**7.** On a careful consideration of the oral and documentary evidence on record, it is evident that the deceased was working as a Livestock Assistant in the Rural Unit, Gudipad village, as on the date of the accident. Ex.A.8 is the salary certificate of the deceased showing the net salary of Rs.9,318/-. Further, Ex.X.1, which was produced and marked through P.W.3, the Veterinary Assistant Surgeon and Unit Head, contains the detailed pay particulars of the deceased, showing his gross monthly salary as Rs.11,571/- and deductions of Rs.3,335/-, leaving a net monthly salary of Rs.8,236/-. P.W.3 has also substantiated the said salary particulars in his evidence. Therefore, the learned Tribunal has rightly taken the net monthly income of the deceased at Rs.8,236/-. The evidence of P.W.1 further establishes that the Claimants were dependent upon the earnings of the deceased and that he was contributing his income towards the maintenance of the family. Accordingly, the learned Tribunal had rightly assessed the loss of dependency based on proper appreciation of the evidence and the same does not warrant interference by this Court.

**8.** Coming to the direction of pay and recovery, the learned Tribunal, upon consideration of the relevant material and the liability of the parties, has directed the Insurance Company to satisfy the award in the first instance and thereafter recover the amount from the owner of the offending vehicle. The said direction is in consonance with the settled principles of law. On an overall consideration of the evidence and the findings recorded by the learned Tribunal, this Court is of the considered view that the learned Tribunal has

awarded just and reasonable compensation, besides rightly directing the Insurance Company to pay and recover. The appellant has failed to establish any valid ground warranting interference with the impugned award. There is no merit in the appeal and the same is liable to be dismissed.

**9.** Accordingly, the MACMA is dismissed. There shall be no order as to costs.

Miscellaneous petitions pending if any, stand closed.

**Dr.JUSTICE VENKATA JYOTHIRMAI PRATAPA**

Date:18.11.2026
*Dinesh*

**THE HON'BLE DR. JUSTICE VENKATA JYOTHIRMAI PRATAPA**

**M.A.C.M.A.No.1127 of 2010**

DATE:18.11.2026

*Dinesh*