APHC010074942010

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: 1454/2010

Between:

NATIONAL INSURANCE COMPANY LTD., REP BY ITS DIVISIONAL MANAGER, DIVISIONAL OFFICE, KAKINADA (A.P)

...APPELLANT

AND

1. GUTTIKONDA LAKSHMI E G DIST, W/O. MOHAN DURGA RAO @ MOHAN DURGA, COOLIE, R/O. RAJAHMUNDRY, EAST GODAVARI DISTRICT.
2. SHANKAR SAHOO, S/O. SURA SAHOO, DRIVER OF LORRY BEARING NO. ORD-4959, R/O. PARANGA ANGUL DISTRICT ORISSA STATE
3. BASANTA KUMAR PARIDA, S/O. HRUDANANDA PARIDA, OWNER OF LORRY BEARING NO. ORD-4959 R/O. JARASINGHA, ANGUL DISTRICT, ORISSA

...RESPONDENT(S):

Counsel for the Appellant:

1. SRAVAN KUMAR MANNAVA

Counsel for the Respondent(S):

NIL

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 Judgment and Decree dated 01.06.2010 passed by the Chairman, Motor Accidents Claims Tribunal-cum-Family-cum-Additional District Judge, East Godavari, Rajahmundry (for short “the Tribunal”), in M.V.O.P.No.40 of 2009

granting compensation of Rs.35,250/- to the Petitioner / Claimant in view of the injuries sustained by him 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 Petitioner / Claimant, in brief, is that on 12.02.2007 afternoon, while the Petitioner along with one Guttikonda Mohan Durga @ Mohana Drugarao and Guttikonda Kanaka Durga were proceeding from Duddukuru Village to go to Korukonda on a motorcycle and at about 1.20 p.m., when they reached near Dommeru High School Road in Kovvur, Respondent No.1, who is the driver of the lorry bearing no.ORD 4959 drove the same in a rash and negligent manner at a high speed, came in a wrong direction and dashed against the motorcycle in its opposite direction. As a result, the Petitioner received injuries.

(ii) As such, the Petitioner, filed a petition claiming compensation of Rs.1,25,000/- in view of the injures sustained by him in the said accident.

(iii) The learned Tribunal, on appreciation of the oral and documentary evidence adduced, awarded compensation of Rs.35,250/- to the Claimant with proportionate costs and interest @ 7.5% per annum from the date of petition till the date of deposit against Respondent Nos.1 to 3 jointly and severally.

(iv) Aggrieved by fastening of liability against the Insurer, the present appeal came to be filed.

4. Heard Sri Sravan Kumar Mannava, learned counsel for the Appellant / Insurance Company. None appeared for Respondents.

5. Learned counsel for the Appellant / Insurance Company would submit that though there is contributory negligence on the part of the drivers of both the vehicles, the learned Tribunal erred in attributing contributing negligence at 25% on behalf of the driver of the motorcycle and 75% on the driver of the offending vehicle. It is further submitted that the contributory negligence has to be attributed at 50% each on the drivers of the both the vehicles.

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

Whether the learned Tribunal was justified in fixing contributory negligence at 25% on the rider of the motorcycle and 75% on the driver of the offending lorry, or whether the same warrants interference by this Court?

POINT:

7. There is no dispute with regard to the factum of the accident and sustenance of injuries by the Petitioner in the said accident.

8. In the present case, as can be seen from the evidence of P.W.1, who is the injured claimant, the accident occurred when the driver of the offending lorry drove the same in a rash and negligent manner, came in the wrong direction and dashed against the motorcycle. It is also evident from the record that, immediately after the accident, a case was registered against the driver of the offending lorry in Crime No.28 of 2007 of Kovvur Police Station, and after investigation, the police filed a charge sheet against him. Though the rider of the motorcycle was also found to have violated Section 128 of the Motor Vehicles Act by carrying more than one pillion rider, the said violation cannot, by itself, be a ground to conclude that he was equally responsible for

the accident. Having regard to the oral evidence of P.W.1, the registration of the FIR against the driver of the offending lorry, and the contents of the charge sheet, this Court is of the view that the learned Tribunal rightly assessed the contributory negligence at 25% on the part of the rider of the motorcycle and 75% on the part of the driver of the offending lorry. Therefore, this Court finds no valid ground to interfere with the finding recorded by the learned Tribunal in this regard. There are no tenable grounds to interfere with the finding of the learned Tribunal. The appeal lacks merit 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.1454 of 2010

DATE:18.11.2026

Dinesh