**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI**

**Bench
Sr.No:-16
[3505]**

APHC010258952019

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL Nos.859 & 1005 of 2019

MACMA No.859 OF 2019

Andhra Pradesh State Road Transport Corporation ...Appellant

Vs.

Chilaka Triveni Alias Repudi Triveni and Others ...Respondent(s)

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CORAM : SRI JUSTICE T.C.D.SEKHAR
DATE : 6th November 2026

Present :
Advocate for Appellant: P DURGA PRASAD SC FOR APSRTC
Advocate for Respondent: KOMMAREDDY DIVAKARA REDDY

MACMA No.1005 OF 2019

Chilaka Triveni Alias Repudi Triveni and Others ...Appellant(s)

Vs.

Nannpaneni Venkateswara Rao and Others ...Respondent(s)

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CORAM : SRI JUSTICE T.C.D.SEKHAR
DATE : 6th November 2026

Present :
Advocate for Appellant: KOMMAREDDY DIVAKARA REDDY
Advocate for Respondent:

HON'BLE SRI JUSTICE T.C.D. SEKHAR

MACMA Nos.859 & 1005 OF 2019

COMMON JUDGMENT:-

1. As both these appeals arise from order dt.18.01.2019 in MVOP No.44 of 2018, on the file of Chairman, Motor Vehicles Accidents Claims Tribunal-cum-Principal District Judge, Guntur, they are being disposed of by this common judgment.

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

3. The petitioners filed claim petition under Section 166 of Motor Vehicles Act claiming compensation of Rs.15,00,000/- on account of death of Rapudi Dhana Raj (husband of the 1st petitioner, son of petitioner Nos.3 & 4, father of petitioner Nos.2 & 5), who died in the accident that occurred on 28.12.2017 in which the bus belonging into APSRTC bearing Registration No.AP07Z 0557 was involved.

4. It was the case of the petitioners that on 28.12.2017, while the deceased was travelling by auto bearing Registration No.AP07TF 3957 from Vemavaram to Perecherla, when the auto reached near Sri Siri Cold Storage, the offending bus came in

rash and negligent manner in opposite direction and dashed the auto. The deceased received injuries all over the body and died on the spot along with four (04) children travelling in the said auto. A case in Crime No.321 of 2017 was registered for the offences punishable under Sections 304-A and 337 IPC, on the file of Phirangipuram Police Station against the 1st respondent/driver of APSRTC bus. Later, the said crime was investigated into and charge sheet was filed. In those circumstances, the petitioners approached the Tribunal by filing the above petition, as they lost their only source of income.

5. The respondents filed counter affidavit, denying the averments made in the claim petition. It was stated that the accident occurred due to the contributory negligence on the part of the 1st respondent and the deceased. *Inter alia* it was contended that the deceased had no valid driving license as on the date of accident. It was further stated that the compensation claimed by the petitioner was excessive.

6. In order to prove the case of the petitioners, the wife of the deceased was examined as PW-1, one Smt.Alakunka Sireesha, eye-witness to the accident was examined as PW-2. The petitioners also marked the documents in Ex.A1 to A9.

7. On the other hand, the 1st respondent/driver of the APSRTC was examined as RW-1. However, no documentary evidence was placed on record on behalf of the respondents. Considered the oral and documentary evidence, the Tribunal by order under challenge awarded compensation of Rs.8,86,000/- together with interest @ 7.5% from the date of petition till the date of realization as compensation. Feeling aggrieved by the quantum of compensation awarded by the Tribunal, the APSRTC preferred MACMA No.859 of 2019, whereas, the claimants/petitioners not satisfying with the compensation awarded by the Tribunal, preferred MACMA No.1055 of 2019.

8. Heard Sri P.Venkata Rao, learned Standing Counsel appearing for APSRTC and Sri Kommareddy Divakara Reddy, learned counsel for the claimants.

9. Perused the material available on record.

10. The counsel appearing for the APSRTC strenuously contended that the accident occurred due to the contributory negligence on the part of the 1st respondent and the deceased. Therefore the claimants/petitioners are not entitled to receive the compensation as claimed.

11. In order to substantiate the said contention, the 1st respondent/driver of the APSRTC bus was examined as RW-1. As RW-1 is interested witness, his evidence cannot be relied on. On the other hand, the petitioner examined one Smt.A.Sireesha, eye-witness as PW-2. A perusal of PW-2, it is clear that the accident occurred due to the negligence of the 1st respondent driver. Be that as it may, APSRTC taken action against the 1st respondent and removed him from service on account of the accident in question. In that view of the matter, this Court can safely conclude that the accident occurred due to the negligence of the 1st respondent. Therefore, the contention of the counsel for APSRTC that, the accident occurred due to the contributory negligence is hereby rejected.

12. Coming to the quantum of compensation, the Tribunal having considered that the deceased was working as auto driver, fixed the income of the deceased as Rs.6,000/- per month and after following the guidelines framed by the Hon'ble Apex Court in the case of ***"National Insurance Company Ltd., vs. Pranay Sethi & others[1]",*** the Tribunal awarded an amount of

[1] (2017) 16 SCC 680

Rs.8,86,000/- together with interest @ 7.5% from the date of petition till the date of realization as compensation.

13. In this connection, the learned counsel for APSRTC would strenuously submit that, in the absence of any evidence to establish that the deceased was an auto driver, the Tribunal erred in fixing the income of the deceased as Rs.6,000/-. He would further submit that, in the circumstances, the income of the deceased ought to have been fixed by treating him as daily wage worker.

14. On the other hand, the counsel for claimants/petitioners would submit that, as per the averments made in copies of FIR and charge sheet, the occupation of the deceased was shown as auto driver. Neither the 1st respondent nor APSRTC, placed anything on record or examined any witness to disprove the same. Be that as it may, it is not in dispute that the deceased was driving the auto at the time of accident. Further, it is also not in dispute that the deceased and four (04) children travelling in auto died on the spot in the said accident.

15. In the circumstances, it would have to be held that at the time of accident the deceased was driving auto. Merely because, the driving license was not filed along with the claim

petition, it is not sufficient to disbelieve the evidence of the claimants especially, the wife of the deceased deposed that the deceased was Auto driver by avocation. Therefore, the contention of the counsel for the APSRTC in this regard, cannot be countenanced and accordingly the same is rejected.

16. Accordingly, MACMA No.859 of 2019 filed by APSRTC is hereby dismissed.

17. Coming to the quantum of compensation, by considering the avocation of the deceased, the Tribunal notionally fixed the income as Rs.6,000/-. The counsel for the claimants would submit that, the Tribunal erred in fixing the income of the deceased as Rs.6,000/-. The average income of the driver during the year 2017 would be not less than Rs.8,000/- per month.

18. Having considered the submissions made by the counsel on either side, this Court finds sufficient force in the argument advanced by the counsel for the claimants. The said finding of the Tribunal is not sustainable under law inasmuch as, as per the Rule 25 (v)(b) of the AP Contract Labour (R&A) Rules, 1971, the Government from time to time notified determining the Minimum Wages and Variable Dearness Allowance (VDA) vide Gazette No.1149, dt.13.03.2017. By placing reliance on the said

notification, the income of the deceased is fixed as Rs.8,059/- per month and accordingly, the compensation is computed as under:-

S.No.	Description of the Head	Amount entitled in Rupees
1.	Net Annual Income	Rs.8,054/- x 12 = Rs.96,648/-
2.	Future prospects at the age of 26 years	Rs.38,659/- (i.e, 40% of the income)
	Total Income	Rs.1,35,307/-
3.	Deduction towards personal expenditure (i.e., 1/4th)	Rs.33,826/-
4.	Total Loss of Dependency	Rs.1,01,481/-
5.	Multiplier of 17 for the age of 26 years	Rs.17,25,177/- (1,01,481 x 17)
	Conventional heads	
6.	Loss of consortium (5 claimants)	Rs.2,00,000/- = (Rs.40,000 x 5)
7.	Loss of estate	Rs.15,000/-
8.	Funeral Expenses	Rs.15,000/-
Total Compensation		**Rs.19,55,177/-**

19. For the reasons recorded supra, the compensation is enhanced from Rs.8,86,000/- to Rs.19,55,177/-. Accordingly, the APSRTC is directed to pay the enhanced compensation of Rs.19,55,177/- together with interest @ 9% per annum from the date of petition till the date of realization.

20. It is needless to mention that the said enhanced amount of compensation shall be deposited, within a period of two (02) months from the date of receipt of the copy of this order.

21. In the result MACMA No.859 of 2019 is dismissed and MACMA No.1005 of 2019 is allowed. There shall be no order as to costs.

22. The claimants are directed to pay the Court fee for the enhanced part of the compensation before the learned Motor Accident Claims Tribunal concerned.

As a sequel, all pending miscellaneous petitions, if any, shall stand closed.

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JUSTICE T.C.D.SEKHAR

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THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

MACMA Nos.859 and 1005 of 2019
Date: 06.11.2026

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11. In order to substantiate the said contention, the 1st respondent/driver of the APSRTC bus was examined as RW-1. A perusal of the evidence of RW-1 would show that he has deposed in consonance with the averments made in the counter affidavit. In those circumstances, he being an interested party, his evidence is not helpful to depose the negligence.