

Date of reserved for orders : 18.09.2026

Date of pronouncement : 29.09.2026

Date of uploading : 29.09.2026

APHC010365062017



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

(Special Original Jurisdiction)

[3604]

TUESDAY, THE 29th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1652/2017

Between:

1.APSRTC, REP. BY ITS GENERAL MANAGER, MUSHEERABAD, HYDERABAD. PRESENT AT PANDIT NEHRU BUS STATION, VIJAYAWADA, AMARAVATHI, ANDHRA PRADESH.

...APPELLANT

AND

1.K KAVITHA 5 OTHERS, W/O. NAGARAJU, HINDU, AGED ABOUT 25 YEARS, HOUSEWIFE, R/O. SINGANAMALA VILLAGE & MANDAL, ANANTHAPURAMU DIST.

2.K SIVA, S/O. NAGARAJU, HINDU, AGED ABOUT 04 YEARS, MINOR, REP. BY MOTHER I.E., R-1) R/O. SINGANAMALA VILLAGE & MANDAL, ANANTHAPURAMU DIST.

3.K NARAYANASWAMI, S/O. CHINNA KULLAYAPPA, HINDU, AGED ABOUT 52 YEARS, R/O. SINGANAMALA VILLAGE & MANDAL, ANANTH4PURAMU DIST.

4.K SAVITHRAMMA, W/O. K. NARAYANASWAMI, HINDU, AGED ABOUT 47 YEARS, R/O. SINGANAMALA VILLAGE & MANDAL, ANANTHAPURAMU DIST.

5.K KULLAYI, S/O. K. NARAYANASWAMI, HINDU, AGED ABOUT 25 YEARS, R/O. SINGANAMALA VILLAGE & MANDAL,

ANANTHAPURAMU DIST.

6.S MAHABOOB VALI, S/O. SHAIKSHAVALI, AGED ABOUT 54 YEARS,
RTC BUS DRIVER, WORKING IN TADIPATRI DEPOT, STAFF NO:
408194 ANANTHAPURAMU DIST.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court aggrieved by the Judgment and Decree dt.14.02.2017 in O.P No.424 of 2015 on the file of the Motor Accidents Claims Tribunal-cum-IV Additional District & Sessions Judge, FTC Ananthapuramu.

IA NO: 1 OF 2017(MACMAMP 3050 OF 2017

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 to stay of all further proceedings including the execution proceedings in O.P No.424 of 2015 on the file of the Motor Accidents Claims Tribunal-cum-IV Additional District & Sessions Judge, FTC Ananthapuramu.

IA NO: 2 OF 2017(MACMAMP 18847 OF 2017

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

IA NO: 3 OF 2017(MACMAMP 18849 OF 2017

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

IA NO: 4 OF 2017(MACMAMP 23420 OF 2017

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

IA NO: 1 OF 2020

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 to extend the time to ensure the petitioner to comply the interim order in MACMA.MP.No. 3050 of 2017 in MACMA.No. 1652 of 2017 as per the direction of this Hon'ble Court dated 25.07.2017 in the above MACMA and pass

Counsel for the Appellant:

1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1.N ASWARTHA NARAYANA

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 1652 OF 2017****JUDGMENT:**

Assailing the judgment and decree dated 14.02.2017 passed in O.P.No.424 of 2015 by the Motor Accident Claims Tribunal-cum-III Additional District Judge, Ananthapuramu, the respondent No.2 has preferred the instant appeal for granting compensation of Rs.8,58,500/- for the untimely death of K. Nagaraju in a motor vehicle accident dated 24.03.2015.

2. The parties are being referred to as 'petitioners' and 'respondents' as arrayed in the petition before the tribunal, for the sake of convenience and clarity.

3. Case of the petitioners is thus:

On 24.03.2015 at about 09.30 A.M, while the deceased going from Ananthapuramu to Singanamala in his auto bearing No.AP 02 TB 6628 and when his auto reached Ananthapuramu District Jail, one APSRTC bus bearing No.AP 28 Z 2831 came in a rash and negligent manner and dashed against the auto and as a result of which, inmates of the auto received multiple injuries and driver/K. Nagaraju died on the spot. As on the date of the accident, deceased aged about 25 years, hale and healthy, owner of the said auto and was earning Rs.500/- per day and contributing the same for maintenance of his family. Due to the sudden death, petitioners who completely depended upon the earnings of the deceased, lost financial support and love and affection. The accident occurred due to the rash and negligent driving of driver of the APSRTC bus bearing No.AP 28 Z 2831 and as such, a case in crime No.59 of 2015 is registered of the offences under Sections 337, 304-A of the Indian Penal Code (hereinafter referred to as 'the Code') against the driver of the offending vehicle/respondent No.1. Both the respondents are jointly and severally liable to pay compensation.

4. Refuting the averments of the petition, respondent Nos.1 and 2 filed counter separately, stating that the accident occurred due to the rash and negligent driving of the deceased, there was no negligence on the part of the respondent No.1, petitioners claimed excessive compensation, deceased had no driving license, as on the date of accident, and with other formal denials, prayed to dismiss the petition.

5. During trial, petitioner No.1 herself examined as PW1 and petitioners have got examined eye witness and other independent witness as PW Nos.2 and 3, and filed Exs.A1 to A4 documents. As against the said evidence, respondent No.1 examined himself as RW1 and no documents are filed. At the culmination of trial, learned tribunal awarded compensation of Rs.8,58,500/- with interest at 7.5% interest per annum. Feeling aggrieved by the said judgment and decree, respondent No.2/APSRTC preferred the instant appeal urging the following grounds:

- i) The judgment and decree of the learned tribunal is illegal, arbitrary, contrary to law and weight of evidence.
- ii) The learned tribunal failed to see that there was no negligent on the part of the respondent No.1 and that the accident occurred due to the rash and negligent driving of the deceased.
- iii) The learned tribunal ought to have seen that the deceased had no driving license.
- iv) The learned tribunal ought to have held that there was contributory negligence on the part of the deceased.
- v) The learned tribunal ought to have seen that there is no documentary evidence to show the income of the deceased, and with other formal grounds, prayed to allow the appeal.

6. Heard both sides.

7. On hearing both sides and upon perusing the material available on record, that points that would arise for consideration are:

- 1) Whether the accident dated 24.03.2015 occurred due to the rash and negligent driving of the driver of APSRTC bearing No.AP 28Z 2831?
- 2) Whether the petitioners are entitled to compensation? If so, to what amount?
- 3) Whether the judgment and decree dated 14.02.2017 passed by the learned tribunal are sustainable in law and facts?
- 4) To what relief?

8. Being the first appellate court and final fact finding court, this court has to re-examine and re-appreciate the entire oral as well as documentary evidence on record.

9. Point No.1:

(a) As seen from the record, there is absolutely no dispute regarding the factum of accident. In order to prove the manner and method of accident, petitioners relied upon the evidence of PW Nos.1 and 2 coupled with Exs.A1 to A4 documents. It is evident from the record that PW1 who is wife of the deceased is not eye witness to the accident and the only available evidence to prove the manner and method of accident is that of PW2 and he testified that on 24.03.2015 at 9.30 A.M, while he was going in the auto of the deceased towards singanamala and when the auto reached near district jail, one APSRTC bus bearing No.AP 28 Z 2831 came in a rash and negligent manner and dashed against the auto and as a result of which, he sustained injuries and driver of the auto died on the spot, and in the cross-examination, nothing useful material is elicited to disbelieve the version of PWs1 and 2. RW1/driver of the APSRTC bus, having stated in his chief examination that the accident occurred due to rash and negligent driving of the deceased, he has categorically admitted in his cross examination that a case in crime No.59 of 2015 under Sections 337 and 304-A IPC is registered against him and after completion of investigation, police laid charge sheet and that he has been

attending the criminal case and further, he did not give any report to police making allegations against the deceased.

(b) It is evident from the record that crime was registered against the respondent No.1 *vide* Ex.A1 and after completion of investigation, investigating officer found fault with the respondent No.1 and laid Ex.A4/charge sheet. So, evidence of PW Nos.1 and 2 coupled with Exs.A1 and A4 clinchingly proves that the accident occurred due to rash and negligent driving of the respondent No.1. It is evident from Ex.A2/Postmortem report and A3/inquest report, deceased succumbed to the injuries sustained in the accident. Hence, this point is answered holding that the accident occurred due to the rash and negligent driving of the respondent No.1, driver of auto bearing AP 02 TB 6628 sustained injuries in the accident and succumbed to the said injuries. This point is accordingly answered in favour of the petitioners and against the respondents.

10. Point No.2:

(a) It came in the evidence of PW1 that as on the date of the accident, age of the deceased was 29 years, he was hale and healthy, owned auto bearing No.AP 02 TB 6628 and was earning Rs.500/- per day, contributing the same for the maintenance of his family. Further, due to the sudden demise of husband of the petitioner No.1, they lost financial support and love and affection. To prove the age of the deceased, petitioners relied upon Ex.A2/attested copy of postmortem report and Ex.A3/attested copy of inquest report. In all the criminal records, age of the deceased is mentioned as 29 years. There is no contra evidence to that effect. So, it can safely be concluded that the deceased aged about 29 years as on the date of accident. Petitioners who are wife, minor son, parents and unmarried sister of the deceased are entitled for compensation.

(b) To prove the income of the deceased, petitioners relied upon the evidence of PW Nos.1 & 3. PW3 testified that he was the owner of Auto bearing No.AP 02 TB 6628 and the deceased purchased the said auto from him under agreement of sale *vide* Ex.A5 and thereafter, took finance from Kanakadurga Finance Limited and paid all the installments *vide* Ex.A6. Further, the said auto is registered in the name of the deceased *vide* Ex.A7. Nothing useful material is elicited in the cross examination of PW Nos.1 and 3 in respect of the earnings of the deceased. Having considered the material, the learned tribunal has taken notional income of the deceased at Rs.4,500/- per month. Applying the multiplier of 17 and after deducting $\frac{1}{4}^{\text{th}}$ of the income towards personal expenses, the learned tribunal assessed compensation of Rs.6,88,500/- and in addition to that, awarded Rs.1,00,000/- towards consortium, Rs.50,000/- towards love and affection, Rs.10,000/- towards loss of estate and Rs.10,000/- towards funeral expenses and finally, awarded the compensation of Rs.8,58,500/-. The learned tribunal has granted compensation of Rs.1,00,000/- towards consortium and Rs.50,000/- towards love and affection. Instead of granting consortium and love and affection under two separate heads, consortium is to be granted to the petitioner Nos.1 to 4. The petitioner Nos.1, 3 and 4 are entitled for spousal and parental consortium and accordingly, Rs.1,20,000/- is awarded towards consortium. Further, an amount of Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.20,000/- towards transportation is awarded. So, all the petitioners are entitled for Rs.8,58,500/- towards compensation for the untimely death of the husband of the petitioner No.1.

(c) In the present facts and circumstances of the case, this court is of the considered view that the learned tribunal has awarded just and fair compensation to the petitioners. So far as liability of the respondents is concerned, a finding is recorded in point No.1 holding that the respondent No.1/driver of the APSRTC bus bearing No.AP 28 Z 2831 was solely responsible for the accident and as such, respondent No.2/APSRTC is liable

to indemnify the acts committed by the respondent No.1. So, both the respondents are jointly and severally liable to pay compensation. Hence, this point is answered in the affirmative and against the respondent.

11. Point No.3:

On a careful re-appreciation of the entire evidence and having regard to the foregoing discussion, this Court is of the considered view that the findings recorded by the learned Tribunal regarding the manner of the accident, negligence of driver of APSRTC bus, the death of K. Nagaraju, his occupation and income, and the consequent entitlement to compensation are supported by the evidence on record. The respondents have failed to establish any legal or factual infirmity warranting interference with the impugned order. Hence, this point is answered in favour of the petitioners/claimants and against the respondents.

12. **In the result**, and in view of the findings in point Nos.1 to 3, this Motor Accident Civil Miscellaneous Appeal is dismissed, confirming the order and decree dated 14.02.2017 passed in O.P.No.424 of 2015 by the Motor Accident Claims Tribunal-cum-III Additional District Judge, Ananthapuramu.

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

SUNITHA GANDHAM, J

Dt:29.09.2026

Vns

Whether the order is :

✓

Speaking Yes/No / Reasoned Yes/No

✓

Reportable Yes/No / Non-Reportable Yes/No