APHC010218162017

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3604]**
(Special Original Jurisdiction)

MONDAY, THE 2ND DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL Nos: 452 & 932 OF 2017

MACMA.No.452 of 2017:

Between:

1. APSRTC, RTC HOUSE, PANDIT NEHRU BUS STATION, VIJAYAWADA.

...APPELLANT

AND

1. GUNIREDDY CHANDRA KALAVATHI 2 OTHERS, W/O. LATE GUNIREDDY REMACHANDRA REDDY, HINDU, AGED ABOUT 50 YEARS, HOUSEWIFE, R/AT. D. NO: 4-8-147, SUBHAKAR REDDY COLONY, PULIVENDULA TOWN AND MANDAL, KADAPA DISTRICT.
2. GUNIREDDY SREENIVASULU REDDY, S/O. LATE GUNIREDDY REMACHANDRA REDDY, HINDU, AGED ABOUT 31 YEARS, UN-EMPLOYEE, R/AT. D. NO: 4-8-147, SUBHAKAR REDDY COLONY, PULIVENDULA TOWN AND MANDAI, KADAPA DISTRICT.
3. GUNIREDDY SUDHARSHANA REDDY, S/O. LATE GUNIREDDY REMACHANDRA REDDY, HINDU, AGED ABOUT 27 YEARS, UN-EMPLOYEE, R/AT. D. NO: 4-8-147, SUBHAKAR REDDY COLONY, PULIVENDULA TOWN AND MANDAL, KADAPA DISTRICT.

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Courtaggrieved by the Judgment and decree dt.30.08.2016 in MVOP No.449/2013 on the file of

the Motor Accident Claims Tribunal-cum-Family Court-cum-VI Additional District Judge, Kadapa.

IA NO: 1 OF 2017(MACMAMP 920 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 in MVOP No.449/2013 on the file of the Motor Accident Claims Tribunal-cum-Family Court-cum-VI Additional District Judge, Kadapa.

IA NO: 4 OF 2017(MACMAMP 4096 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

Counsel for the Appellant:

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1. D KODANDARAMI REDDY

M.A.C.M.A.No.932 of 2017:

Between:

1. G CHANDRA KALAVATHI, KADAPA DIST & 2 OTHERS, W/O LATE G.RAMACHANDRA REDDY, AGED ABOUT 50 YEARS, OCC: HOUSE WIFE.
2. GUNIREDDY SREENIVASULU REDDY, S/O LATE G.RAMACHANDRA REDDY, AGED ABOUT 31 YEARS, OCC: UN-EMPLOYEE.
3. GUNIREDDY SUDHARSHANA REDDY, S/O LATE G.RAMACHANDRA REDDY, AGED ABDUT 27 YEARS, OCC:-UN-EMPLOYEE. RESIDENTS OF D.NO.4-8-147, SUBHAKAR REDDY COLONY, PULIVENDULA TOWN AND MANDAL, YSR KADAPA DISTRICT.

...APPELLANT(S)

AND

1. APSRTC HYDERABAD, Rep. by its Managing Director, Musheerabad,

Hyderabad.

...RESPONDENT

Appeal filed under Order 41 of CPC before the High Courtagainst the. Judgment and Decree passed in M.V.O.P.NO.449/2013 dated 30-08-2016 on the file of the court of the Motor Accidents Claims Tribunal - cum- Family Court -cum-VI Additional District Judge, Kadapa, YSR Kadapa District

IA NO: 1 OF 2017(MACMAMP 1925 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 condone the delay of 91 days in filing the present appeal against the judgment and decree passed in MVOP.No. 449/2013 dated 30.08.2016 on the file of the court of the MACT-cum-Family Court-cum-VI Additional District Judge, Kadapa YSR Kadapa District and pass

Counsel for the Appellant(S):

1. D KODANDARAMI REDDY

Counsel for the Respondent:

1. ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

The Court made the following:

THE HON'BLE SMT. JUSTICE SUNITHA GANDHAM

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL Nos: 452 & 932 OF 2017

COMMON JUDGMENT:

These two appeals arise out of the order and decree in M.V.O.P.No.449 of 2013 dated 30.8.2016 passed by the Motor Accidents Claims Tribunal-Cum-VI Additional District Judge, Kadapa.

2. M.A.C.M.A.No.452 of 2017:

Assailing the order and decree dated 30.08.2016 in M.V.O.P.No.449 of 2013 passed by the Chairman, Motor Accidents Claims Tribunal-Cum-VI Additional District Judge, Kadapa, respondent/APSRTC has preferred the instant appeal for awarding compensation of Rs.10,52,860/- for the untimely death of G. Ramachandra Reddy.

3. M.A.C.M.A.No.932 of 2017:

Assailing the order and decree dated 30.08.2016 in M.V.O.P.No.449 of 2013 passed by the Chairman, Motor Accidents Claims Tribunal-Cum-VI Additional District Judge, Kadapa, petitioners/appellants have preferred the instant appeal seeking compensation.

4. Both the appeals are disposed of by this common judgment. The parties are being referred to as 'petitioners' and respondent' as arrayed in the petition before the Tribunal, for the sake of convenience and clarity.

5. **The case of the petitioners is thus**:

(a) On 14.05.2012, at about 5.30 a.m., while the deceased waiting at platform No.8, R.T.C. bus stand, Kadapa, one R.T.C. bus bearing No.AP11-Z-3538 belongs to Proddatur Depot came in a rash and negligent manner and dashed against him and as a result of which, Guniredddy Ramachandra Reddy sustained severe injuries. Immediately after the commission of accident, he

was shifted to RIMS Hospital, Kadapa and doctor declared brought died. A case in crime No.76 of 2012 was registered of the offence under Section 304-A of Indian Penal Code (hereinafter referred to as 'the Code') against the driver and conductor of the said bus. The deceased aged about 52 years, was working as driver in APSRTC at Rajampet Depot, was earning Rs.11,187/- per month, as on the date of accident. The petitioner No.1 is the wife of the deceased, petitioner Nos. 2 and 3 are sons of the deceased. Due to the sudden demise, petitioners lost their financial support as well as love and affection. Respondent is liable to pay the compensation.

6. Respondent filed counter refuting the averments made in the petition, wherein, *inter alia* contended that the petitioners claimed excessive compensation, there was no negligence on the part of the driver of the R.T.C bus, deceased was in hurry while crossing the platform, police registered the case so as to help the petitioners in getting compensation, the petition is bad for non-joinder of necessary parties, and with other formal denials, prayed to dismiss the petition.

7. Taking into consideration of the aforementioned pleadings, the learned Tribunal settled the following issues:

1) Whether the accident occurred due to rash and negligent driving of the driver of the A.P.S.R.T.C bus bearing No.AP-11-Z3538 and that the resulted in causing the death of G.Ramachandra Reddy?

2) Whether the petitioners are entitled for compensation, if so, to what amount.

3) To what relief?

8. During trial, petitioner No.1 examined herself as P.W.1 and petitioners have got examined independent witnesses as PWs.2 & 3, and filed EXs.A1 to A7 and EX.X1 documents. As against the said evidence, respondent has not adduced either oral or documentary evidence. At the culmination of trial,

learned Tribunal allowed the petition granting compensation of Rs.10,51,860/- with interest at 7.5% per annum. Feeling aggrieved by the said order and decree dated 30.08.2016, petitioner preferred M.A.C.M.A.No.932 of 2017 urging the following grounds:

(i) The order and decree of the learned Tribunal is contrary to law and facts, weight of evidence and probabilities of the case.

(ii) The learned Tribunal failed to take future prospects of the deceased while assessing the compensation towards loss of earnings.

(iii) The learned Tribunal ought to have awarded compensation under conventional heads as per the Judgment of the Apex Court in ***Rajesh and Others v. Raj Beer Singh and Others***[1]***.***

(iv) The learned Tribunal erred in not awarding Rs.1,00,000/- towards transportation, and with other formal grounds, prayed to allow the appeal.

9. Feeling aggrieved by the said Order and decree, respondent preferred M.A.C.M.A.No.452 of 2017, urging the following grounds:

(i) The order and decree of the learned Tribunal is contrary to law and facts, weight of evidence and probabilities of the case.

(ii) The learned Tribunal failed to see that there was no rash and negligence on the part of the driver of the A.P.S.R.T.C bus.

(iii) The learned Tribunal ought to have seen that the accident occurred due to negligence of the deceased while crossing the platform.

(iv) The learned Tribunal erred in holding that the accident was occurred due to the rash and negligence driving of the driver of the bus.

(v) The learned Tribunal failed to see that the deceased was getting net salary of Rs.8,737/- per month, however, the Tribunal erroneously taken the salary of Rs.11,782/-.

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[1] 2013 ACJ 1403

(vi) The learned Tribunal ought to have seen that the petitioner No.1 who is the wife of the deceased has received death benefits from the Corporation and also filed application to provide compassionate appointment.

(vii) The learned Tribunal erred in awarding Rs.10,36,869/- towards loss of earnings, and with other formal grounds, prayed to allow the appeal.

10. Heard both sides. Perused the material available on record including the impugned order dated 30.08.2016.

11. On hearing both sides and upon perusing the material available on record including the impugned order dated 30.08.2016, the points that would arise for consideration are as follows:

(1) Whether Gunireddy Ramachandra Reddy died in the accident occurred due to the rash and negligent driving of the driver of A.P.S.R.T.C Bearing No.AP11-Z-3538?

(2) Whether the petitioners are entitled for compensation? If so, to what amount?

(3) Whether the order and decree dated 30.08.2016 in M.V.O.P.No.449 of 2013 passed by the Chairman, Motor Vehicle Accident Claims Tribunal-cum-VI Additional District Judge, Kadapa, are sustainable in facts and law?

(4) To what relief?

12. 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.

13. **Point No.1:**

(a) As seen from the record, there is absolutely no dispute with regard to the factum of accident and involvement of the offending vehicle i.e. APSRTC bus bearing No.AP11-Z-3538 in the 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 P.W.1 who is the wife of the deceased is not an eye witness to the accident and the only available evidence to prove the manner and method of accident is that of P.W.2/Depot Manager and he testified that the driver of the bus bearing No.AP11-Z-3538 drove the same in a rash and negligent manner and dashed against the deceased and the accident occurred due to the negligence of both the driver and conductor, and in the cross-examination, nothing useful material is elicited.

(b) It is evident from the record that a case in crime No.76 of 2012 under Section 304-A of the Code is registered against the driver of the bus *vide* Ex.A1/First information report and after completion of investigation, the investigating officer found fault with the driver of the bus and laid EX.A4/Charge sheet. As seen from EX.A5/Motor Vehicles Inspector report, the accident was not occurred due to any mechanical defect of the offending vehicle. So, evidence of PW Nos.1 and 2 coupled with EXs.A1 and A4 clinchingly proves that the accident occurred due to the rash and negligent driving of the driver of the bus bearing No.AP11-Z-3538. It is evident from EX.A3/Postmortem report that 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 driver of the bus bearing No.AP11-Z-3538, deceased sustained injuries in the said accident and succumbed to the said injuries. This point is accordingly answered in favour of the petitioners and against the respondent.

14. **Point No.2:**

(a) According to the petitioners, the deceased hale and healthy, aged about 52 years, working as driver of the RTC bus and was drawing Rs.12,292/- per month, as on the date of the accident, due to the sudden demise of the deceased, petitioners lost financial support, loss of love and affection. Insofar

as the age of the deceased is concerned, in EXs.A2 and A3/Inquest report and postmortem report, age of the deceased is mentioned as 52 years. There is no contra evidence to that effect. Therefore, it can safely be concluded that the deceased was aged about 52 years, as on the date of accident. The petitioners who are wife and sons of the deceased are entitled to compensation.

(b) As regards the income of the deceased, petitioners relied upon the evidence of PW.2/Depot Manager of Rajampeta RTC depot and having produced EX.X1/Salary particulars, P.W.2 testified that the deceased has been working in their corporation from February, 2016, was drawing salary of Rs.12,292/- per month and admitted EX.A6/Salary certificate of the deceased. As seen from EX.A6/Salary certificate and EX.X1/Salary particulars, since February, 2016, deceased working as driver of RTC bus and drawing salary of Rs.12,292/- per month. There is no contra evidence to that effect. Out of the said salary, Rs.60/- which is paid towards professional tax has to be deducted. So, the monthly income of the deceased is assessed as Rs.12,232/-.

(c) Learned counsel for the respondent argued that petitioner Nos.2 and 3 are major children of the deceased and as such, they are not entitled for compensation. In ***Manjuri Bera Vs. Oriential Insurance Company Limited***[2], Hon'ble Apex Court held at Para No.14 as follows:

> "14..... In paragraph 16 of the said decision, while adverting to the provisions of Section 140 of the Act, the Court observed that even if there is no loss of dependency, the claimant, if he was a legal representative, major sonwill be entitled to compensation. In the concurring judgment of Justice S.H. Kapadia, as His Lordship then was, it is observed that there is distinction between "right to apply for compensation" and "entitlement to compensation". The compensation constitutes part of the estate of the deceased. As a result, the legal representative of the deceased would inherit the estate. Indeed, in that case, the Court was dealing with the case of a married daughter of the deceased and the efficacy of Section 140 of the Act. Nevertheless, the principle underlying the exposition in this decision would clearly come to the aid of the respondent Nos. 1 and 2

[2] 2007 ACJ 1279 (SC)

(claimants) even though they are major sons of the deceased and also earning."

(d) Further, in ***National Insurance Company Limited Vs. Birender and others***[3], it is held that legal representatives of the deceased have a right to apply for compensation, and in ***Bajaj Allianz General Insurance Co., Limited and another Vs. Bipasa Roy and others***[4] ***and Balvinder Singh Vs. Vijaya Kumar and others***[5]***,*** it was held that major/married daughters and sons are entitled for compensation.

(e) As per the aforementioned propositions, married/major sons/daughters who are also earning and not fully dependents on the deceased, would be still covered by the expression “legal representative” of the deceased and entitled for compensation. So, the petitioner Nos.2 and 3, being legal representatives of the deceased are entitled for compensation.

(f) Applying the principles in ***Sarala Varma and Others Vs. Delhi Transport Corporation and another***[6] , ***National Insurance Company Ltd Vs. Pranay Sethi and others***[7] and ***Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram and others***[8], this Court assesses the compensation as follows:

Sl. No.	**Heads**		**Calculation**
1.	Annual income (Rs.12,232 × 12)	Rs.	1,46,784.00
2.	Deduction towards personal expenses (1,46,784 × 1/3)	Rs.	48,928.00
3.	Total income (1,46,784 − 48,928)	Rs.	97,856.00
4.	Future prospects (15% of 97,856)	Rs.	14,678.00
	Total	Rs.	1,12,534.00

[3] AIR 2020 SC 434
[4] 2022 ACJ 1406
[5] 2022 ACJ 1140
[6] (2009) ACJ 1298
[7] (2017) 6 SCC 680
[8] (2018) 18 SCC 130

5.	Total loss of dependency (1,12,534 × 11)	Rs.	12,37,874.00
6.	Loss of consortium (40,000 × 3) (spousal and parental)	Rs.	1,20,000.00
7.	Funeral expenses	Rs.	15,000.00
8.	Loss of estate	Rs.	15,000.00
	Total	Rs.	**13,87,874/- (rounded to 13,87,900/-)**

(g) In the court's well considered view that in accordance with the propositions of law laid down by the Hon'ble Apex Court, the compensation of **Rs.13,87,900/-** (Rupees Thirteen Lakhs Eighty Seven Thousand Nine Hundred Only) is just and reasonable, having regard to the loss suffered by the dependants of the deceased.

(h) So far as liability of the respondent is considered, a finding is already given in point No.1 holding that the accident occurred only due to the rash and negligent driving of the driver of the bus bearing No.AP11-Z-3538 and as such, respondent is liable to indemnify the acts committed its driver/respondent. Hence, this point is answered holding that respondent is liable to pay compensation.

15**. Point No.3:**

Upon reappraisal of the evidence on record and for the reasons stated above, this Court came to conclusion that the learned Tribunal erred in determining just and fair compensation and as such, the award is therefore liable to be modified. Point No.3 is answered accordingly.

16. **Point No.4:**

MACMA.No.932 of 2017:

(i) ***In the result***, and in view of the findings in points Nos.1 to 3, this appeal is allowed, and the compensation awarded by the learned Tribunal is

enhanced ***from Rs.10,52,860/- (Rupees Ten Lakhs Fifty Two Thousand, Eight Hundred and Sixty only) to Rs.13,87,900/- (Rupees Thirteen Lakhs Eighty Seven Thousand Nine Hundred Rupees only)*** together with simple interest at 7.5% per annum from the date of the petition until realisation. The amount shall be recoverable by the petitioners from respondent.

(ii) Out of the total compensation, **Rs.11,87,900/- (Rupees Eleven Lakhs Eighty Seven Thousand Nine Hundred Only)** is awarded to petitioner No.1 and **Rs.1,00,000/- (Rupees One Lakh Only) each** is awarded to petitioner Nos.2 & 3. Apportionment is ordered accordingly.

(iii) The compensation amount, together with interest, after deducting any amount already deposited, shall be deposited within one (1) month from the date on which the learned Tribunal receives a copy of this judgment.

(iv) Upon such deposit, petitioners are permitted to withdraw the compensation awarded to them, together with the accrued interest, after deducting any amount already paid.

MACMA.No.452 of 2017:

In the result, and in view of the findings in points Nos.1 to 3, this Motor Vehicle Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

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

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SUNITHA GANDHAM, J

Dt:02.11.2026

Vns