

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

MONDAY, THE TWENTY SIXTY DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 532 OF 2022

Appeal filed under Section 173 of M.V.Act, against Order and Decree dated 27.01.2022 passed in M.V.O.P.No. 46 of 2020 on the file of the court of the Motor Accident Claims Tribunal- Cum-IX Additional District Judge at Kamareddy.

Between:

Cholamandalam MS General Insurance Co, Ltd.,, rep., by its Divisional Manager, 1-2-73/2 and 1-2-63 to 64, No.302, 3rd Floor, SR Arcade, Parklane, Secunderabad, Telangana – 500003.

...APPELLANT/RESPONDENT NO.3

AND

1. Somiri Balavantha Rao, S/o Balayya , Aged 54 years, Caste. Arya Kshatritya, Occ.Nil,
2. Somiri Santha Bai, W/o Somiri Balavantha Rao , Aged 49 years, Caste. Arya Kshatritya , Occ.Household

Both R/o H.No.2-59, Vajjepalli Village of Sadashivangar Mandal, Kamareddy District.

.... Respondent/Petitioners

3. Shaik Arif, S/o Shaik Moinuddin, Aged 35 years, Caste. Muslim, Occ.Driver of TATA Ace bearing No.TS-16-UB-4778, R/o. H. No.10-13-290/2, Dharmuri Hills, Nizamabad-503001.
4. Shaik Azam, S/o Shaik Moin, Aged major ,Caste. Muslim, Occ. Business cum Owner of TATA Ace bearing No.TS-16-UB-4778, R/o. H. No.10-13-144/123/C Vengal Rao Colony, Near New Bridge Shivaji nagar , 5.0, Nizamabad town and Dist.-503001.

**...RESPONDENTS/
RESPONDENT NOS.1 & 2**

IA NO: 1 OF 2023

Between:

1. Somiri Balavantha Rao, S/o Balayya , Aged 52 years, Occ.Nil,
2. Somiri Santha Bai, W/o Somiri Balavantha Rao, Aged 47 years, Occ.Household.

Both R/o H.No.2-59, Vajjepalli Village of Sadashivangar Mandal, Kamredyy District.

And

.... Petitioners/Respondents

1. Chola mandalam MS General Insurance Co, Ltd., rep., by its Divisional Manager, 1-2-73/2 and 1-2-63 to 64, No.302, 3rd Floor, SR Arcade, Parklane, Secunderabad, Telangana – 500003.

.... Respondent/Appellant

2. Shaik Arif, S/o Shaik Moinuddin, Aged 35 years, Caste. Muslim, Occ. Driver of TATA Ace bearing No.TS-16-UB-4778, R/o. H. No.10-13-290/2, Dharmuri Hills, Nizamabad-503001.
3. Shaik Azam, S/o Shaik Moin, Aged major, Caste. Muslim, Occ. Business cum Owner of TATA Ace bearing No.TS-16-UB-4778, R/o. H. No.10-13-144/123/C Vengal Rao Colony, Near New Bridge Shivaji nagar, 5.0, Nizamabad town and Dist.-503001.

(R2, R3 are formal parties)

.... Respondents/Respondents

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 VACATE the interim Order dated 28.09.2022 in IA NO: 3 OF 2022 in M.A.C.M.A No. 532 of 2022 and dismiss the M.A.C.M.A No. 532 of 2022.

IA NO: 3 OF 2022

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 grant STAY of all further proceedings in pursuance of the order and the decree dated 27.01.2022 passed in OP No.46 of 2020 by the Motor Accident Claims Tribunal- Cum-IX Additional District Judge at Kamareddy pending disposal of the above appeal.

Counsel for the Appellant : SRI. T. MAHENDER RAO

Counsel for the Respondents No.1 and 2 : SRI T SRUJAN KUMAR REDDY

Counsel for the Respondents No.3 and 4 : -

The Court made the following: JUDGMENT

THE HON'BLE SRI JUSTICE SUDDALA CHALAPATHI RAO

M.A.C.M.A. No.532 of 2022

JUDGMENT:

This MACMA is filed by the Insurance Company assailing the Award, dt.27.01.2022, in MVOP.No.46 of2020 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-IX Additional District Judge at Kamareddy.

2. For the sake of convenience, the parties will hereinafter be referred to as arrayed before the Tribunal.
3. The brief facts of the case are that, the claimants, who are the parents of the deceased Somiri Sahender, filed a petition under Section 166 (1) (c) of the Motor Vehicles Act, 1988, claiming compensation of Rs.25,00,000/- for the death of their son in a road accident that took place on 07.09.2019. On the fateful day, at about 19.30 hrs, when the deceased was travelling as a pillion rider on the motor cycle, succumbed to injuries and the rider of the motor cycle also sustained grievous injuries.

4. On the complaint of the 1st claimant, a crime was registered against the driver of the offending vehicle and after investigation, charge sheet was also filed.

5. It is the case of the claimants that prior to the accident, the deceased was hale & healthy and apart from studying Degree II year, was also doing agriculture and milk vending business and was earning Rs.10,000/- per month. On account of death of the deceased, the petitioners lost their son. The 1st respondent being the driver and 2nd respondent being the owner, and 3rd respondent being insurer of the offending vehicle are jointly and severally liable to pay compensation.

6. The Tribunal after due enquiry and examining the evidence available on record, held that the accident has occurred due to the rash and negligent driving of the 1st respondent-driver and awarded an amount of Rs.16,46,312/- with interest @ 7.5% per annum from the date of petition till the date of realization, fixing joint and several liability on respondents No.1 to 3.

7. Learned counsel appearing for the appellant-Insurance company would submit that the compensation awarded by the

Tribunal is excessive and exorbitant; that the Tribunal erred in awarding compensation to the claimants without any material evidence, by erroneously taking the income of Rs.9,720/- per month, adding thereto 40% towards future prospects and applying multiplier of '19', instead of taking multiplier '18' and also awarding rate of interest @ 7.5% per annum instead of 6%, as considered by the Hon'ble Supreme Court in **Sarla Varma and Others v. Delhi Transport Corporation and another**¹; and that the amount awarded by the Tribunal of Rs.40,000/- to the claimants towards loss of consortium is contrary to law laid down by the Apex Court in **Sarla Varma case (1 supra)** and prayed to set aside the impugned award.

8. On the other hand, learned counsel appearing for the claimants contended that the Tribunal was justified in awarding the compensation and interference of this Court is unwarranted, and prayed to sustain the same by dismissing the present appeal.

9. The undisputed facts are that the deceased was a bachelor aged 19 years and studying II year. The learned Standing Counsel for the Insurance Company did not dispute

¹ 2009 ACJ 1298

the findings of rash and negligent driving of the driver of the offending vehicle and the said vehicle is validly insured with the 3rd respondent. He however disputes the manner in which the calculations were made in granting just and proper compensation awarded to the claimants.

10. A perusal of the impugned award would show that as rightly contended by the appellant-insurance company, the Tribunal while relying on the law laid down by the erstwhile High Court of AP in ***Setty Chandra Sekhar v. Mohd Ghouse***² wherein income of a graduate was taken @ Rs.12,000/- p.m., with deduction of 10% for every preceding year, has erroneously applied a 10% deduction instead of 20%, although the deceased was studying Degree II year.

11. Thus, after deducting 20% out of Rs.12,000/-, the loss of income of the deceased as on the date of his death, would be Rs.9,600/- per month. Since the deceased was a student, the Tribunal was justified in awarding future prospects @ 40% and by adding 40% of future prospects i.e., Rs.3,840/-p.m., the notional monthly income of the deceased comes to Rs.13,440/- (Rs.9,600/- + Rs.3,840/-).

² 2009 (6) ALD 684

12. Since the deceased was a bachelor, the Tribunal was justified in deducting 50% towards his personal expenses. Thus, after deducting 50%, the loss of contribution of the deceased to his family would be Rs.6,720/-p.m.

13. The Tribunal though justified in taking the age of the deceased while determining the multiplier, has wrongly applied a multiplier of '19' instead of '18' as laid down by the Supreme Court in **Sarla Verma case** (1 supra), and by applying the multiplier '18', the total loss of earnings of the deceased amounts to Rs.14,51,520/-(Rs.6,720/- x 12 x 18).

14. Further, the amount of Rs.40,000/- awarded by the Tribunal to each of the claimants towards loss of consortium and Rs.15,000/- towards funeral charges, appears to be reasonable and needs no interference. In addition to the above, the claimants are also entitled to an amount of Rs.15,000/- towards loss of estate, which is not disputed by the learned Standing Counsel appearing for the appellant-Insurance Company.

15. As regards the rate of interest awarded by the Tribunal @ 7.5% per annum on the compensation awarded from the date of

petition till the date of realization, the same is found to be just, reasonable, and does not warrant any interference.

16. Thus, the total compensation payable to the claimants under various heads is quantified as under:

1.	Income of the deceased	Rs.9,600/-p.m. (Rs.12,000 – 20%)
2.	Income with future Prospects @40%	Rs.13,440/- (Rs.9600 + Rs.3,840)
3.	Personal Expenses	Rs.6,720/- (Rs.13,440 – 50%)
4.	Applicable Multiplier	'18'
5.	Total Loss of Dependency	Rs. 14,51,520/- (Rs.6720 x 12 x 18)
6.	Consortium	Rs.80,000/- (Rs.40,000 x 2)
7.	Loss of Estate	Rs.15,000/-
8.	Funeral Expenses	Rs.15,000/-
9.	Total Compensation	Rs.15,61,520/-
10.	Rate of Interest	@ 7.5%

17. Accordingly, the MACMA is partly allowed, modifying the Award of the Tribunal, by reducing the total amount of compensation payable to the claimants from Rs.16,46,312/- to Rs.15,61,520/- with interest @ 7.5% p.a. from the date of petition till the date of realization, payable by respondents No.1 to 3 jointly and severally.

18. The insurance company is directed to deposit the compensation amount as directed above, within a period of two (02) months from the date of receipt of the copy of the order.

19. The claimants are entitled to the said amount in the same proportion as ordered by the Tribunal in MVOP.No.46 of 2020.

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

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SD/- M JAWAHAR REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Motor Accident Claims Tribunal- Cum-IX Additional District Judge at Kamareddy. (with records if any)
2. One CC to SRI. T MAHENDER RAO Advocate [OPUC]
3. One CC to SRI. T SRUJAN KUMAR REDDY Advocate [OPUC]
4. Two CD Copies

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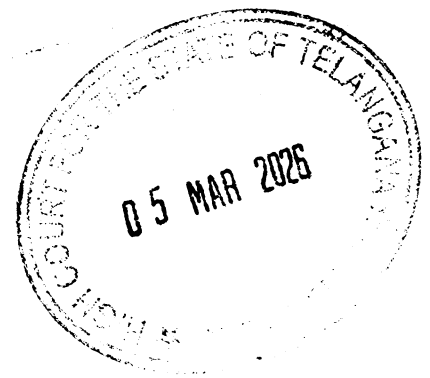
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HIGH COURT

DATED:26/09/2025

JUDGMENT

MACMA.No.532 of 2022



PARTLY ALLOWING THE MACMA WITHOUT COSTS

⑥ PMA.
19/2/28.

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY SIXTY DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE SUDDALA CHALAPATHI RAO

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 532 OF 2022

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...APPELLANT/RESPONDENT NO.3

AND

1. Somiri Balavantha Rao, S/o Balayya , Aged 54 years, Caste. Arya Kshatritya, Occ.Nil,
2. Somiri Santha Bai, W/o Somiri Balavantha Rao , Aged 49 years, Caste. Arya Kshatritya , Occ.Household

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3. Shaik Arif, S/o Shaik Moinuddin, Aged 35 years, Caste. Muslim, Occ.Driver of TATA Ace bearing No.TS-16-UB-4778, R/o. H. No.10-13-290/2, Dharmuri Hills, Nizamabad-503001.
4. Shaik Azam, S/o Shaik Moin, Aged major ,Caste. Muslim, Occ. Business cum Owner of TATA Ace bearing No.TS-16-UB-4778, Rio. H. No.10-13-144/123/C Vengal Rao Colony, Near New Bridge Shivaji nagar , 5.0, Nizamabad town and Dist.-503001.

**...RESPONDENTS/
RESPONDENT NOS.1 & 2**

Appeal filed under Section 173 of M.V.Act, against Order and Decree dated 27.01.2022 passed in M.V.O.P.No. 46 of 2020 on the file of the court of the Motor Accident Claims Tribunal- Cum-IX Additional District Judge at Kamareddy.

This appeal coming on for hearing and upon perusing the grounds of appeal, the judgment and Decree of the Lower Court and the material papers in the case and upon hearing the argument of SRI T. MAHENDER RAO, Advocate

for the Appellant and Sri T. Srujan Kumar Reddy, Advocate appeared for Respondent No.1 & 2 and none appeared for Respondent No.3 & 4.

This Court doth Order and Decree as follows:

1. That the Motor Accident Civil Miscellaneous Appeal be and is hereby partly allowed.
2. That the compensation awarded be and is hereby reduced from Rs.16,46,312/- to Rs.15,61,520/- with interest @ 7.5% p.a. from the date of petition till the date of realization, payable by respondents No.1 to 3 jointly and severally.
3. That the insurance company be and is hereby directed to deposit the compensation amount as directed above, within a period of two (02) months from the date of receipt of the copy of the order.
4. That the claimants be and are hereby entitled to the said amount in the same proportion as ordered by the Tribunal in MVOP.No.46 of 2020.
5. That there shall be no order as to costs in this appeal.

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**SD/- M JAWAHAR REDDY
ASSISTANT REGISTRAR**



SECTION OFFICER

To

1. The Motor Accident Claims Tribunal- Cum-IX Additional District Judge at Kamareddy.(with record if any)
2. Two CD Copies.

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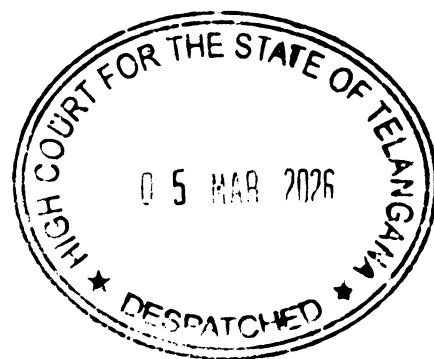
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HIGH COURT

DATED:26/09/2025

DECREE

MACMA.No.532 of 2022



PARTLY ALLOWING THE MACMA WITHOUT COSTS

(4) PMG.
19/2/26