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APHC010007112012



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

[3520]

WEDNESDAY, THE 15th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 470/2012

Between:

- 1.PASUMARTHI RAVI CHANDRAN & 3 ORS, S/O. KOTAIAH R/O. KANDUKUR PRESENTLY RESIDING AT VELLORE, TAMILNADU.
- 2.PASUMARTHY KOTESWARI, D/O.RAVI CHANDRAN (2 TO 4 ARE BEING MINORS REP., BY THEIR FATHER 1ST APPELLANT R/O. KANDUKUR PRESENTLY RESIDING AT VELLORE, TAMILNADU
- 3.PASUMARTHY MALAR KODI, D/O.RAVI CHANDRAN (2 TO 4 ARE BEING MINORS REP., BY THEIR FATHER 1ST APPELLANT R/O. KANDUKUR PRESENTLY RESIDING AT VELLORE, TAMILNADU
- 4.PASUMARTHY MALARVI, D/O.RAVI CHANDRAN (2 TO 4 ARE BEING MINORS REP., BY THEIR FATHER 1ST APPELLANT R/O. KANDUKUR PRESENTLY RESIDING AT VELLORE, TAMILNADU

...APPELLANT(S)

AND

- 1.THANNERU BABU RAO ANR, S/O.KOTAIAH CHINNA KANUMALLA VILLAGE SINGARAYAKONDA MANDAL, PRAKASAM DISTRICT
- 2.THE BRANCH MANAGER, ORIENTAL INSURANCE COMPANY LIMITED, DIVISIONAL OFFICE SANTHAPET, ONGOLE

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court

IA NO: 1 OF 2008(MACMAMP 306 OF 2008

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 833 days in filing the above appeal

Counsel for the Appellant(S):

1.VENKATESWARLU SANISETTY

Counsel for the Respondent(S):

1.M SOLOMON RAJU

2..

The Court made the following:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**M.A.C.M.A. No. 470 of 2012****JUDGMENT:****Introductory:**

The claimants in M.V.O.P. No. 423 of 2002 on the file of the IV Additional District Judge Court (FTC) -cum- Motor Accidents Claims Tribunal, Ongole, [*for short “the learned MACT”*], filed the present appeal dissatisfied with dismissal of the claim against the Insurance Company and granting a compensation of Rs.2,00,000/-, questioning the same as inadequate.

2. The petition was filed claiming compensation for the death of one Pasumrthi Indira [*herein after referred as ‘the deceased’*]. Claimant No.1 is the husband. Claimants No.2 to 4 are the children of the deceased. Respondent No.1 is the owner of an auto bearing No.AP 27 U 2227 [*herein after referred to as ‘the offending vehicle’*]. Respondent No.2 is the Insurance Company with which the offending vehicle was insured.

3. For the sake of convenience, the parties will be hereinafter referred to as the claimants/petitioners and the respondents, with reference to their status before the learned MACT.

Case of the claimants:

4. [i] On 09.08.2001, the deceased boarded an auto bearing No. AP 27 U 2227 (‘the offending vehicle’) as usual, to go to work at M/s.Suvarna

Aqua Company, where she was working along with others. At about 08.00a.m., when the auto reached near Karedu ramp on NH 65 Road, the driver of the auto drove the same in a rash and negligent manner, as a result of which the deceased fell down and sustained injuries to her head and other parts of her body. Thereafter, the deceased was taken in the same auto to a private hospital at Singarayakonda, where the deceased was declared as dead due to the accident injuries.

[ii] A case in Crime No. 67 of 2001 was registered in Ulavapadu Police Station against the driver of the offending vehicle. The offending vehicle was owned by the respondent No.1 and insured by the respondent No.2.

[iii] The accident occurred due to the negligence of the driver of the offending vehicle. Hence, both the respondents are liable to pay the compensation to the claimants, being legal heirs and dependents of the deceased.

[iv] The deceased was hale and healthy, aged about '31' years, contributing her entire income to the family. She was running a Tiffin center.

5. The 1st respondent remained *ex-parte*.

Case of the 2nd respondent- Insurance Company:-

6. [i] Claimants shall prove the accident, negligence of the driver of the offending vehicle, death of the deceased due to the accident; age,

occupation and income of the deceased, dependency of the claimants and all other relevant facts.

[ii] The crime vehicle is a goods vehicle and not having permit. The deceased was travelling in the crime vehicle as a gratuitous passenger. Therefore, the Insurance Company is not liable to pay any compensation.

Evidence before the Learned MACT:-

On behalf of the petitioners/claimants:

7. [i] 1st petitioner/claimant No.1 was examined as PW1.

[ii] Claimants relied on the copies of the documents vide Ex.A1-FIR, Ex.A2-Postmortem Certificate, Ex.A3-charge sheet, Ex.A4- inquest, Ex.A5-Motor Vehicles Inspector report.

[iii] The 2nd respondent - Insurance Company relied on the evidence of RW.1-Assistant Administrative Officer of the Company, and Ex.B1-Insurance Policy.

[iv] RW 1 is the Assistant Administrative Officer working in the 2nd respondent -Insurance Company. His evidence is that the offending vehicle was insured with the 2nd respondent. Ex.B1 was in force covering third party risk and the driver. But it is not covering the passengers travelling in the auto. During cross-examination, he has stated that terms and conditions of the Policy are not filed.

Findings of the learned MACT:-**On negligence:-**

8. [i] In view of Ex.A1 and non-examination of any other witness by the respondents, the rash and negligent driving on the part of the driver of the offending vehicle is acceptable on quantum.

On quantum:-

[ii] Income of the deceased is accepted at ₹1,500/- per month and ₹18,000/- per annum, but it is taken at the rate of ₹10,000/-. Age taken at '31', basing on Post Mortem Certificate, if one third is deducted, the entitlement comes to as per Schedule-II of M.V. Act, Rs.1,92,000/- and the claimants are entitled for Rs.2,000/- towards funeral expenses, Rs.2,500/- towards loss of estate and Rs.5,000/- towards loss of consortium. In all they are entitled for ₹2,01,500/- rounded to ₹2,00,000/-.

Liability:-

[iii] The vehicle is meant for carrying goods. Ex.B1 – Insurance Policy does not cover the risk of passengers. The deceased is a gratuitous passenger. Therefore, the Insurance Company is not liable to pay compensation.

Arguments in the Appeal:-

For the Claimants:-

9. [i] Learned MACT failed to see that the Insurance Policy was in force and burden is on the Insurance Company to pay compensation to the third parties and can recover the same from the insured, if there are any violations.

[ii] Learned MACT failed to consider the judgment reported *2004 ACJ 428 i.e., the National Insurance Company Ltd. Vs. Baljit Kaur* and wrongly appreciated the contention of the Insurance Company.

[iii] Land counsel for the appellants would further submit that a co-ordinate Bench of this Court in a case in MACMA No. 2763 of 2017 decided 28.11.2014, while referring to **National Insurance Company Limited Vs. Saju P. Pal**¹, referred in *Manuara Khatun Vs. Rajesh Kumar Singh*², and followed the legal position as to the liability in a case of gratuitous passenger and adopting the principle of pay and recovery, directed to pay and recovery. He further submits that the compensation awarded under various heads is also rational and inadequate. Hence, the claimants are entitled for more compensation and both the respondents are jointly and severally liable to pay and the compensation awarded.

¹ (2013) 2 SCC 41

² (2017) 4 SCC 796

For the 02nd respondent-Insurance Company:-

[iv] Per contra, learned counsel for the 2nd respondent Insurance-Company would submit that in a case of gratuitous passenger, no liability can be imposed on the Insurance Company and the principle decided in **Sajju P Paul 's case** is not applicable to the present case and that the Insurance Company is not liable, therefore, ordering to pay and recovery is not correct.

10. Perused the material on record.

11. Thoughtful consideration is given to the arguments advanced by both sides.

12. The points that arise for determination in these appeals are:

1. Whether the 2nd respondent-Insurance Company is liable to pay the compensation to the claimants? If so, what is the just and reasonable compensation that can be awarded to the claimants?
2. What is the result of the appeal?

Point No.1:

On Negligence:-

13. It is clear from the law and settled practice that any claim made for compensation in terms of Motor Vehicles Act, the record maintained by the Police in discharge of their official findings can be relied on. In the context of objections, it is also relevant to note that the appreciation of evidence in answering the question of fact as to negligence in a motor accident claim and

other relevant aspects learned MACT can rely on the official records adopting the theory of probability with a holistic approach.

Statutory and Precedential guidance is as follows:-

14. (i). As per Section 176 of the Motor Vehicles Act, the State Governments are entitled to make rules for the purpose of carrying effect to the provisions of the Motor Vehicles Act. As per Rule 476 of the A.P. Motor Vehicles Rules, 1989, the claims Tribunal shall proceed to award the claim basing on the registration certificate of the vehicle, Insurance Policy, copy of FIR and Post- mortem certificate etc.

(ii) As per Rule 476 of the A.P. Motor Vehicles Rules, 1989, learned Tribunal can rely on the crime record. The official acts done are presumed to be proper until a contrary is proved particularly when some statutory recognition is given to such official records.

15. It is relevant to note that in view of the summary nature and mode of enquiry contemplated under Motor Vehicles Act and social welfare nature of legislation the Tribunal shall have holistic view with reference to facts and circumstances of each case. It is sufficient if there is probability. The principle of standard of proof, beyond reasonable doubt cannot be applied while considering a claim seeking compensation for the death or the injury on account of road accident. The touch stone of the case, the claimants shall have to establish is preponderance of probability only. The legal position to this extent is settled and consistent.

16. The Hon'ble Apex Court in ***Bimla Devi and others Vs. Himachal Road Transport Corporation***³, in para 15 observed as follows:

“15. In a situation of this nature, the Tribunal has rightly taken a holistic view of the matter. It was necessary to be borne in mind that strict proof of an accident caused by a particular bus in a particular manner may not be possible to be done by the claimants. The claimants were merely to establish their case on the touchstone of preponderance of probability. The standard of proof beyond reasonable doubt could not have been applied. For the said purpose, the High Court should have taken into consideration the respective stories set forth by both the parties..”

Reasoning and Finding:-

17. The respondent No.1, who is the owner of the offending vehicle, is competent to deny the accident as well as the negligence of the driver of the employee employed by the 1st respondent. Respondent No.1 remained *ex parte*. Crime record is placed by the claimants, who are the third parties. When the respondents intend to dispute the negligence, nothing would prevent the respondents to summon eye witnesses in the charge sheet. RW.1 is not an eyewitness and competent to speak about the accident and the negligence. Therefore, the findings of the learned MACT to the extent believing the negligence of the driver of the offending vehicle, which is not in serious dispute, found fit to be accepted. Accordingly, the cause for the accident is found to be negligence of the driver of the offending vehicle.

³ 2009 (13) SCC 530

Entitlement:-

18. Claimants, being the husband and children of the deceased, they are class-I legal heirs and dependents. Hence, they are entitled for compensation. The defence of the Insurance Company is that, offending vehicle is meant for carrying goods and the deceased travelled in it as a gratuitous passenger. Therefore, the Insurance Company is not liable. As per the Insurance Policy - Ex.B1, the Policy was in force as on the date of accident; additional premium said to be collected for the legal liability for paid drivers/workmen No.1. The exceptions stated therein are that 'Policy does not cover used for organised racing or speed testing'. Evidence of PW1 would show that the deceased boarded an auto meant for carrying goods.

19. The Hon'ble Apex Court in ***Manuara Khatun Vs. Rajesh Kumar Singh's case*** considered the principle relating to Pay and Recovery, where the victim was travelling in an offending vehicle as a gratuitous passenger. After referring to various judgments, touching the said issue, particularly ***National Insurance Company Limited Vs. Saju P. Pal's case*** [cited *supra*], examined various provisions of case laws on the subject in the context of Section 147 of Motor Vehicles Act 1988, while holding that the Insurance Company cannot be held liable in view of the benevolent object of the Act, issued directions to the Insurance Company to pay awarded compensation to the claimants and recover from the owner and applied pay and recover doctrine. Relevant Paragraphs 16 ,17 and 20, 22 are reads as under:-

“16) This question also fell for consideration recently in Manager, National Insurance Company Limited vs. Saju P. Paul & Anr., (supra) wherein this Court took note of entire previous case law on the subject mentioned above and examined the question in the context of Section 147 of the Act. While allowing the appeal filed by the Insurance Company by reversing the judgment of the High Court, it was held on facts that since the victim was travelling in offending vehicle as "gratuitous passenger" and hence, the Insurance Company cannot be held liable to suffer the liability arising out of accident on the strength of the insurance policy. However, this Court keeping in view the benevolent object of the Act and other relevant factors arising in the case, issued the directions against the Insurance Company to pay the awarded sum to the claimants and then to recover the said sum from the insured in the same proceedings by applying the principle of “pay and recover”.

17) Justice R.M. Lodha (as His Lordship then was and later became CJI) speaking for the Bench held in paras 20 and 26 as under:

“20. The next question that arises for consideration is whether in the peculiar facts of this case a direction could be issued to the Insurance Company to first satisfy the awarded amount in favour of the claimant and recover the same from the owner of the vehicle (Respondent 2 herein).

26. The pendency of consideration of the above questions by a larger Bench does not mean that the course that was followed in *Baljit Kaur*, (2004) 2 SCC 1 and *Challa Upendra Rao*, (2004) 8 SCC 517 should not be followed, more so in a peculiar fact situation of this case. In the present case, the accident occurred in 1993. At that time, the claimant was 28 years old. He is now about 48 years. The claimant was a driver on heavy vehicle and due to the accident he has been rendered permanently disabled. He has not been able to get compensation so far due to the stay order passed by this Court.

.....

20) We find no merit in any of the submissions. Firstly, as mentioned above, we find marked similarity in the facts of this case and the one involved in *Saju P. Paul's Case* (supra). Secondly, merely because the compensation has not yet been paid to the claimants though the case is quite old (16 years) like the one in *Saju P. Paul's Case* (supra), it cannot be a ground to deny the claimants the relief claimed in these appeals. Thirdly, this Court has already

considered and rejected the argument regarding not granting of the relief of the nature claimed herein due to pendency of the reference to a larger Bench as would be clear from Para 26 of the judgment in *Saju P. Paul's case* (supra). That apart, learned counsel for the appellants stated at the bar that the reference made to the larger Bench has since been disposed of by keeping the issue undecided. It is for this reason also, the argument does not survive any more.

.....

22) In view of the foregoing discussion, we are of the view that the direction to United India Insurance Company (respondent No. 3) - they being the insurer of the offending vehicle which was found involved in causing accident due to negligence of its driver needs to be issued directing them (United India Insurance Company-respondent No.3) to first pay the awarded sum to the appellants (claimants) and then to recover the paid awarded sum from the owner of the offending vehicle (Tata Sumo)-respondent No.1 in execution proceedings arising in this very case as per the law laid down in Para 26 of *Saju P. Paul's case* quoted supra."

20. Relevant observations are made in ***Sajju P Paul 's case*** with regard to the questions that have been referred to the larger Bench, the observations in para 24 and 25 are as follows:-

"24. In *National Insurance Company Ltd. v. Parvathneni & Another* [SLP(C)....CC No. 10993 of 2009], the following two questions have been referred to the larger Bench for consideration:

(1) If an Insurance Company can prove that it does not have any liability to pay any amount in law to the claimants under the Motor Vehicles Act or any other enactment, can the Court yet compel it to pay the amount in question giving it liberty to later on recover the same from the owner of the vehicle. (2) Can such a direction be given under Article 142 of the Constitution, and what is the scope of Article 142? Does Article 142 permit the Court to create a liability where there is none?"

25. The pendency of consideration of the above questions by a larger Bench does not mean that the course that was followed in *Baljit Kaur (2004) 2 SCC 1* and *Challa Bharathamma (2004) 8 SCC 517* should not be followed, more so in a peculiar fact situation of this case. In the present case, the accident occurred in 1993. At that time, claimant was 28 years' old. He is now about 48 years. The claimant was a driver on heavy vehicle and due to the accident he has been rendered permanently disabled. He has not been able to get compensation so far due to stay order passed by this Court. He cannot be compelled to struggle further for recovery of the amount. The insurance company has already deposited the entire awarded amount pursuant to the order of this Court passed on 01.08.2011 and the said amount has been invested in a fixed deposit account. Having regard to these peculiar facts of the case in hand, we are satisfied that the claimant (Respondent No. 1) may be allowed to withdraw the amount deposited by the insurance company before this Court along-with accrued interest. The insurance company (appellant) thereafter may recover the amount so paid from the owner (Respondent No. 2 herein). The recovery of the amount by the insurance company from the owner shall be made by following the procedure as laid down by this Court in the case of *Challa Bharathamma (2004) 8 SCC 517*".

21. In view of the principle laid down and followed in *S.P. Paul's case and Manuara Khatun Vs. Rajesh Kumar Singh's case* [cited 1 and 2 supra], which was followed by a Co-ordinate bench of this Court in MACMA No. 2763 of 2017, this Court is of the view that complete exoneration of the Insurance Company from the liability need not be accepted and the principle of pay and recovery can be followed in the present case also.

22. In view of the observations made above, this Court finds that the respondents No.1 and 2 are jointly and severally liable. However, the 2nd respondent - Insurance Company, on payment entitled to recovery of the same in accordance with law.

Quantum of compensation:

Precedential guidance:

23. (i). For having uniformity of practice and consistency in awarding just compensation, the Hon'ble Apex Court provided guidelines as to adoption of multiplier depending on the age of the deceased in ***Sarla Verma (Smt.) and Ors. vs. Delhi Transport Corporation and Anr.***⁴ and also the method of calculation as to ascertaining multiplicand, applying multiplier and calculating the compensation *vide* paragraph Nos.18 and 19 of the Judgment.

(ii). Further, the Hon'ble Apex Court in ***National Insurance Company Ltd. vs. Pranay Sethi and Others***⁵ case directed for adding future prospects at 50% in respect of permanent employment where the deceased is below 40 years, 30% where deceased is between 40-50 years and 15% where the deceased is between 50-60 years. Further, in respect of self-employed etc., recommended addition of income at 40% for the deceased below 40 years, at 25% where the deceased is between 40-50 years and at 10% where the deceased is between 50-60 years. Further, awarding compensation under conventional heads like loss of estate, loss of consortium and funeral expenditure at Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively is also provided in the same Judgment.

⁴ 2009 (6) SCC 121

⁵ 2017(16) SCC 680

(iii). Further in ***Magma General Insurance Company Ltd. vs. Nanu Ram and Others***⁶, the Hon'ble Apex Court observed that the compensation under the head of loss of consortium can be awarded not only to the spouse but also to the children and parents of the deceased under the heads of parental consortium and filial consortium.

Just Compensation:

24. In ***Rajesh and others vs. Rajbir Singh and others***⁷, the Hon'ble Supreme Court in para Nos.10 and 11 made relevant observations, they are as follows:

“10. Whether the Tribunal is competent to award compensation in excess of what is claimed in the application under Section 166 of the Motor Vehicles Act, 1988, is another issue arising for consideration in this case. At para 10 of Nagappa case [Nagappa v. Gurudayal Singh, (2003) 2 SCC 274 : 2003 SCC (Cri) 523 : AIR 2003 SC 674] , it was held as follows: (SCC p. 280)

“10. Thereafter, Section 168 empowers the Claims Tribunal to ‘make an award determining the amount of compensation which appears to it to be just’. Therefore, the only requirement for determining the compensation is that it must be ‘just’. There is no other limitation or restriction on its power for awarding just compensation.”

The principle was followed in the later decisions in Oriental Insurance Co. Ltd. v. Mohd. Nasir [(2009) 6 SCC 280 : (2009) 2 SCC (Civ) 877 : (2009) 2 SCC (Cri) 987] and in Ningamma v. United India Insurance Co. Ltd. [(2009) 13 SCC 710 : (2009) 5 SCC (Civ) 241 : (2010) 1 SCC (Cri) 1213]

11. Underlying principle discussed in the above decisions is with regard to the duty of the court to fix a just compensation and it has now become settled law that the court should not succumb to niceties or

⁶ (2018) 18 SCC 130

⁷ (2013) 9 SCC 54

technicalities, in such matters. Attempt of the court should be to equate, as far as possible, the misery on account of the accident with the compensation so that the injured/the dependants should not face the vagaries of life on account of the discontinuance of the income earned by the victim."

Analysis, reasoning and Finding:-

25. (i). According to the petitioners/claimants, the deceased was aged about '31' years, earning Rs.75/- per day. However, the learned MACT accepted the income only at ₹50/- per day and ought to have added future prospects but did not.

(ii) The income of the deceased can be accepted at least Rs.60/- considering the socio economic circumstances of the year in which the accident had occurred viz., 2001. If 25% addition is added for the same, the income comes to ₹75/- per day and ₹2,250/- per month. If one third of the same is directed towards personal expenditure of the deceased, the contribution of income to the family comes to ₹1,500 per month and ₹18,000/- per annum.

(iii) Multiplier applicable to the age group of '31' is '16' as per **Smt.Sarla Verma and Other's** case. Then the loss of income of the claimants will come to ₹2,88,000/-. Further the claimants are entitled for ₹15,000/- each under the heads of loss of estate and funeral expenditure and all the claimants are entitled for ₹40,000/- each under the head of loss of consortium, spousal consortium to the claimant No.1 and parental consortium to the claimants No.2 to 4.

26. In view of the reasons and the evidence referred above, the entitlement of the claimants for reasonable compensation in comparison to the compensation awarded by the learned MACT is found as follows:

Head		Compensation awarded by the learned MACT	Fixed by this Court
(i)	Loss of dependency	Rs.1,92,000/-	Rs.2,88,000/-
(ii)	Loss of estate	Rs.2,500/-	Rs.15,000/-
(iii)	Loss of Consortium	Rs.5,000/-	Rs.1,60,000/- [<i>@Rs.40,000/- for each claimant</i>]
(iv)	Funeral expenses	Rs.2,000/-	Rs.15,000/-
	Total compensation awarded	Rs.2,01,500/- [Rounded to Rs.2,00,000/-]	Rs.4,78,000/-
	Interest (per annum)	9%	6%

Granting of more compensation than what claimed, if the claimants are otherwise entitled:-

27. The legal position with regard to awarding more compensation than what claimed has been considered and settled by the Hon'ble Supreme Court holding that there is no bar for awarding more compensation than what is claimed. For the said preposition of law, this Court finds it proper to refer the following observations of the Hon'ble Supreme Court made in:

(1) **Nagappa Vs. Gurudayal Singh and Others**⁸, at para 21 of the judgment.

(2) **Kajal Vs. Jagadish Chand and Ors.**⁹ at para 33 of the judgment.

⁸ (2003) 2 SCC 274

(3) ***Ramla and Others Vs. National Insurance Company Limited and Others***¹⁰ at para 5 of the judgment.

28. For the reasons aforesaid and in view of the discussion made above, the point No.1 is answered concluding that the claimants/petitioners are entitled to compensation of Rs.4,78,000/- with interest at the rate of 6% per annum from the date of filing of the petition till the date of deposit or realization. Consequently, the order and decree dated 10.06.2005 passed by the learned MACT in M.V.O.P.No.423 of 2002 require modification accordingly. Both the respondents are jointly and severally liable to pay the aforesaid compensation. However, the 2nd respondent is directed to deposit the entire compensation amount with accrued interest and costs, if any, within the stipulated period and, after satisfying the award, shall be entitled to recover the same from the 1st respondent, in accordance with law.

Point No.2 :

29. In the result, the **appeal is allowed** as follows:-

- (i) The judgment and decree dated 10.06.2005 passed by the learned MACT dismissing the claim against the 2nd respondent is set aside.
- (ii) the compensation awarded by the learned MACT in M.V.O.P.No.423 of 2002 at Rs.2,00,000/- with interest at the rate of 9% per annum is **modified and enhanced to Rs.4,78,000/- with**

⁹2020 (04) SCC 413

¹⁰ (2019) 2 SCC 192

interest at the rate of 6% per annum from the date of petition till the date of deposit or realization, whichever is earlier.

(iii) **Apportionment:**

a. Claimant Nos.2, 3 and 4 are entitled to Rs.1,25,000/- each with proportionate interest and costs.

b. Claimant No.1 is entitled for the balance amount of Rs.1,03,000/- with proportionate interest and costs.

Liability:-

(iv) Both the respondents are liable to pay the aforesaid compensation. But, the 2nd respondent is directed to pay/ deposit the entire compensation amount and entitled to recover the same from the 1st respondent, in accordance with law.

(v) Time for payment /deposit of balance amount is two (02) months.

a) If the claimants/petitioners furnish the bank account number within (15) days from today, the 2nd respondent shall deposit the amount directly into the bank account of the claimants/petitioners and file the necessary proof before the learned MACT.

b) If the claimants fail to comply with clause (v)(a) above, the 2nd respondents shall deposit the amount before the learned MACT and the claimants are entitled to withdraw the amount at once on deposit.

[vi] There shall be no order as to costs in the appeal.

[vii]. As a sequel, miscellaneous petitions, if any, pending in the appeal shall stand closed.

A. HARI HARANADHA SARMA, J

Date: 15 .07.2026

Pnr

Whether the order is:

Speaking	√	Reasoned	√
Reportable	-	Non-reportable	√

*** THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

M.A.C.M.A. No.470 of 2012

% 15.07.2026

Pasumarthi Ravi Chandran, S/o. Kotaiah r/o. Kandukur
Presently Residing At Vellore, Tamilnadu And 3 Ors.

.... Appellant

Versus

\$ Thanneru Babu Rao, S/o.Kotaiah Chinna, Kanumalla Village,
Singarayakonda Mandal, Prakasam District And Another.

.... Respondents

! Counsel for the Petitioner : Sri Venkateswarlu Sanisetty

! Counsel for the Respondents : Sri. M Solomon Raju.

< Gist:

> Head Note:

? Cases referred:

(2013) 2 SCC 41

(2017) 4 SCC 796

2009 (13) SCC 530

2009 (6) SCC 121

2017(16) SCC 680

(2018) 18 SCC 130

(2013) 9 SCC 54

(2003) 2 SCC 274

2020 (04) SCC 413

(2019) 2 SCC 192

***THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

M.A.C.M.A. No.470 of 2012

Pasumarthi Ravi Chandran, S/o. Kotaiah r/o. Kandukur
Presently Residing At Vellore, Tamilnadu And 3 Ors.

.... Appellant

Versus

\$ Thanneru Babu Rao, S/o.Kotaiah Chinna, Kanumalla Village,
Singarayakonda Mandal, Prakasam District And Another.

.... Respondents

DATE OF ORDER PRONOUNCED: 15.07.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

- | | |
|---|--------|
| 1. Whether Reporters of Local Newspapers may be allowed to see the Order? | Yes/No |
| 2. Whether the copies of Order may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Your Lordships wish to see the fair copy of the Order ? | Yes/No |

A. HARIHARANADHA SARMA, J

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HON'BLE SRI JUSTICE A. HARI HARANADHA SARMA

M.A.C.M.A.No.470 of 2012

Dated 15.07.2026

Pnr