



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

[3558]

Reserved on 11.02.2026  
Pronounced on 06.04.2026  
Uploaded on 06.04.2026

MONDAY, THE SIXTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX  
**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**  
**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**  
**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2037/2016 and**  
**CROSS OBJECTION NO: 42/2024**

**M.A.C.M.A.No.2037 of 2016:**

**Between:**

1.RELIANCE GENERAL INS CO LTD., HYDERABAD, REP.BY ITS  
LEGAL MANAGER, OFFICE AT:SAGAR PLAZA, 4TH FLOOR, ABIDS,  
HYDERABAD 500 029

**...APPELLANT**

**AND**

1. GOLLA NAGMALLESWARI GUNTUR DIST 12 THERS, W/O.LATE PRAKASA RAO, AGED ABOUT: 32 YEARS, OCCU: HOUSEWIFE,
2. GOLLA VATSHALYA NEHASRI, D/O.LATE PRAKASA RAO, AGED ABOUT: 8 YEARS, (DAUGHTER OF THE DECEASED)
3. GOLLA NETHI SRI, D/O.LATE PRAKASA RAO, AGED ABOUT: 4 YEARS, (DAUGHTER OF THE DECEASED),
4. GOLLA NAVYA SRI, D/O.LATE PRAKASA RAO, AGED ABOUT:10 MONTHS, (DAUGHTER OF THE DECEASED), (RESPONDENT NOS. 2 TO 4 ARE BEING MINORS REP.BY HER NEXT FRIEND AND NATURAL GUARDIAN I.E., GOLLA NAGP.MALLESWARI, W/O.EATE PRAKASA RAO, AGED ABOUT: 32 YEARS)
5. GOLLA VENKAYAMMA DIED, W/O.SUBBARAO, AGED ABOUT: 61 YEARS, (MOTHER OF THE DECEASED), R1 TO 5 ARE R/O.D.NO.4-49/2, MANNAVA VILLAGE, PONNURU MANDAL, GUNTUR DISTRICT.
6. JALADI KUMARI, W/O.MOSHE, AGED ABOUT: 56 YEARS, R/O.D.NO.6-9, MAIN ROAD, MUNIPALLI VILLAGE, CHEBROLU MANDAL, GUNTUT DISTRICT,
7. ANNAVARAPU YESUDAYAMMA, W/O.JANESU, AGED ABOUT: 54 YEARS, R/O.D.NO.4-54, MANNAVA VILLAGE, GUNTUR DISTRICT.
8. MIRIGILA SYAMALA, W/O.DHAYANANDAM, AGED ABOUT: 49 YEARS, R/O.D.NO.146, MANNAVA VILLAGE, GUNTUR DIATRICK.
9. SEELAM SANTOSHAM, W/O.VITAL VICTOR, AGED ABOUT: 45 YEARS, R/O.D.NO.10-86, KANKATAPALEM VILLAGE,

STUVARTAPURAM MANDAL, GUNTUR DISTRICT.

10. PUTTA TEREJAMMA, W/O.LATE SUBBA RAO, AGED ABOUT: 41 YEARS, R/O.D.NO.1-110/7, MANNAVA VILLAGE, PONNUR MANDAL, GUNTUR DISTRICT. (RESPONDENTS 6 TO 10 ARE THE DAUGHTERS OF THE DECEASED 5TH PETITIONER IN THE MAIN PETITION)
11. GOLLA JAKKAIHAH, S/O.LATE SUBBA RAO, AGED ABOUT: 44 YEARS, R/O.D.NO.4-49/1, MANNAVA VILLAGE, PONNUR MANDAL, GUNTUR DISTRICT. (SON OF THE DECEASED 5TH RESPONDENT IN THE MAIN PETITION) (THE 6TH TO 11TH RESPONDENTS ARE ADDED AS PER ORDERS IN I.A.NO.837/2015 DATED 17-06-2015)
12. VODALA NARASIMHA RAO, S/O.LAXMAIAH, R/O.FLAT NO.37, SUSHMA SAI NAGAR, VANASTHALI PURAM, HYDERABAD, RANGA REDDY DISTRICT. (OWNER OF THE LORRY BEARING NO.AP-29-T-6696)
13. MEDI BABU RAO TUPAKULA PANDU, S/O.VENKATA RATNAM, R/O.STREET NO.13, THORRAGUNTA VILLAGE, JAGGAIHPET, KRISHNA, GUNTUR DISTRICT. (DRIVER OF THE LORRY BEARING NO.AP-29-T-6696) (RESPONDENT NO.3 ADDED AS PER ORDERS DATED. 21-07-2015 IN IA NO.647/2015. (RESPONDENT NOS. 6 TO 11 ARE NOT NECESSARY PARTIES TO THIS APPEAL)

**...RESPONDENT(S):**

Appeal filed under Order 41 of CPC praying that the Highcourt may be pleased to allow the Appeal by setting aside the Orders dated 30-12-2015 made in O.P.No.241 of 2013 on the file of the Motor Accidents Claims Tribunal-Cum-I Additional District Judge at Guntur, and to pass

**IA NO: 1 OF 2016(MACMAMP 2856 OF 2016)**

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 64 days in re-presenting the appeal

**IA NO: 2 OF 2016(MACMAMP 2963 OF 2016)**

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 stay the operation of the judgement and decree dated 30.12.2015 made in OP No.241/2013 on the file of the Motor Accidents Claims Tribunal-cum-I Additional District Judge at Guntur

**Counsel for the Appellant:**

1.N RAMA KRISHNA

**Counsel for the Respondent(S):**

1.CHALLA AJAY KUMAR

**&**

APHC010533942024



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

[3558]

MONDAY, THE SIXTH DAY OF APRIL  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY  
THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**Cross Objection NO: 42/2024**

**Between:**

1. GOLLA NAGMALLESWARI, W/O LATE PRAKASARAO AGED ABOUT 51 YEARS OCCU HOUSEWIFE
2. GOLIAVATSHALYANEHASRI, D/O LATE PRAKASARAO AGED ABOUT 27 YEARS DAUGHTER OF THE DECEASED
3. GOLLANETHI SRI, D/O LATE PRAKASARAO AGED ABOUT 23 YEARS DAUGHTER OF THE DECEASED
4. GOLLANAVYA SRI, D/O LATE PRAKASARAO AGED ABOUT 12 MONTHS DAUGHTER OF THE DECEASED (RESPONDENT NOS 2 TO 4 ARE BEING MINORS REP BY THEIR NEXT FRIEND AND NATURAL GUARDIAN I E GOLLANAGMALLESWARI W/O LATE PRAKASARAO AGED ABOUT SLYEARS
5. GOLLAVENKAYAMMA(DIED), W/O SUBBARAO AGED ABOUT 69 YEARS MOTHER OF THE DECEASED R1 TO 5 ARE R/O D NO 449/2,MANNAVA VILLAGE, PONNURUMANDAL GUNTUR DISTRICT
6. JALADIKUMARI, W/O MOSHE AGED ABOUT 75 YEARS R/O D NO 69, MAIN ROAD, MUNIPALLI VILLAGE,CHEBROLU,MANDALGUNTUT DISTRICT
7. ANNAVARAPUYESUDAYAMMA, W/OJANESU, AGED ABOUT 73 YEARS, R/O D NO 454, MANNAVA VILLAGE, GUNTUR DISTRICT
8. MIRIGILASYAMALA, W/ODHAYANANDAM AGED ABOUT 68 YEARS, R/O D NO 146, MANNAVA VILLAGE, GUNTUR DISTRICT
9. SCELAMSANTOSHAM, W/O VITAL VICTOR, AGED ABOUT 64 YEARS R/O D NO 1086 KANKATAPALEM VILLAGE, STUVARTAPURAMMANDAL GUNTUR DISTRICT
- 10.PUTTATEREJAMMA, W/O LATE SUBBARAO AGED ABOUT 60 YEARS R/O D NO 1110/7 MANNAVA VILLAGE PONNURMANDAL GUNTUR DISTRICT (RESPONDENTS 6 TO 10 ARE THE DAUGHTERS OF THE DECEASED 5TH PETITIONER IN THE MAIN PETITION)
- 11.GOLLAJAKKAIHAH, S/O LATE SUBBARAO, AGED ABOUT 63YEARS R/O D NO 449/1, MANNAVA VILLAGE,PONNURMANDAL, GUNTUR

DISTRICT SON OF THE DECEASED 5TH RESPONDENT IN THE MAIN PETITION. (THE 6TH TO 10TH RESPONDENTS ARE ADDED AS PER ORDERS IN L.A.NO 837/2015 DATED 17.06.2015)

**...PETITIONER(S)**

**AND**

1. THE RELIANCE GENERAL INSURANCE CO LTD, Rep. by its Legal Manager, Office at Sagar Plaza, 4th floor, Abids, Hyderabad - 500 029.

**...RESPONDENT**

begs to prefer the present Memorandum of Cross Objections in O.F.241 of 2013 in MAGMA No. 2037 of 2016 dated 30.12.2015

**IA NO: 1 OF 2024**

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 2991 days in filing the above Cross objection in M.A.C.M.A.No. 2037 of 2016 on the file of this Hon'ble Court and be pleased to pass

**Counsel for the Petitioner(S):**

1. CHALLA AJAY KUMAR

**Counsel for the Respondent:**

- 1.

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**  
**&**  
**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**  
**MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO.2037 OF 2016**  
**and CROSS-OBJECTION NO.42 of 2024**

**COMMON JUDGMENT:** *(Per Hon'ble Sri Justice Tuhin Kumar Gedela)*

Heard,

Sri N.Rama Krishna, learned counsel for the appellant, Reliance General Insurance Company Limited, and Sri Challa Ajay Kumar, learned counsel appearing for the claimants.

1. The parties are arrayed as arrayed in the present appeal.
2. Being dissatisfied with the Judgment and Decree passed in M.V.O.P.No.241 of 2013, dated 30.12.2015, by the Motor Vehicle Accident Claims Tribunal-cum-I Additional District Court, Guntur (hereinafter referred to as "the Tribunal"), the Insurance Company preferred this appeal.
3. Along side the appeal, the grounds are annexed. The main ground raised by the appellant is that the Tribunal failed to appreciate that the alleged accident was occurred due to sole negligence of the deceased himself and the appellant cannot be saddled with any liability for payment of compensation. The other ground raised is that the Tribunal did not appreciate that the deceased, driver of the motor cycle, was instrumental and without verifying the true facts, the judgment was delivered against the appellant. Again, the appellant meticulously argued that the Tribunal failed to appreciate that the police without verifying the true facts and only to help the petitioners/claimants, routinely filed the charge sheet against the driver of the lorry.

4. To elucidate whether the judgment passed by the Tribunal needs any interference or not, the facts germane to the case are texted hereunder:

(i) The 1<sup>st</sup> respondent is the wife, the respondent Nos.2 to 4 are the daughters and the 5<sup>th</sup> respondent is the mother of the deceased. The 5<sup>th</sup> respondent died during pendency of the O.P., and in pursuance, respondent Nos.6 to 11 are added as legal representatives of the 5<sup>th</sup> respondent.

(ii) The deceased hails from Mannava Village and used to work as Principal of Sri Chaitanya E-Techno School, Madira, Khammam District. On 15.03.2012, the deceased, along with his brother by name Subba Rao was travelling on their motorcycle bearing No.AP36P8284 and the deceased was the pillion rider and when they reached Vidyadharapuram, Vijayawada Ghat Road, Krishna District, the accident vehicle, lorry bearing No.AP29T6696 came from back side of the deceased motorcycle in a rash and negligent manner, without following traffic rules, hit the back side of the motorcycle, resultantly, the deceased and his brother fell down and sustained multiple injuries all over the body and they instantaneously succumbed to death on the spot.

(iii) A crime was registered, Crime No.190 of 2012 by the Vijayawada I Town Police Station under Section 304-A of IPC against the 3<sup>rd</sup> respondent, who is the driver. He remained *ex parte*.

(iv) At the time of accident, the deceased was aged about 38 years and was working as Principal of Sri Chaitanya E-Techno School, Madhira, Khammam District, and was earning Rs.30,000/- per month. The principal contention of the claimants before the Tribunal was that they lost their support due to the death of the deceased and all the respondents are jointly and severally liable to pay compensation of Rs.40,00,000/- to the claimants.

5. In oppugnation to the said petition filed, the 1<sup>st</sup> respondent denied all the averments and contended that he is no way concerned with the claim

and alleged that the vehicle was insured with the 2<sup>nd</sup> respondent and the policy was in force. The 2<sup>nd</sup> respondent filed written statement, controverting the averments made in the petition and denying the income of the deceased that he was earning Rs.30,000/- per month and further asserted that the accident was occurred due to rash and negligent driving of the driver of the motorcycle bearing No.AP36P8284, who crossed the road suddenly without giving signals and came into contact with the lorry bearing No.AP29T6696, due to which the accident occurred and that there is a contributory negligence on the part of the driver of the motorcycle for causing the accident. The other averment is that the 1<sup>st</sup> respondent violated the terms and conditions of the policy and hence the compensation cannot be saddled upon the 2<sup>nd</sup> respondent and the claim petition should be dismissed. The 3<sup>rd</sup> respondent remained *ex parte* before the Tribunal.

6. The Tribunal, after considering the averments of both the parties, framed the following issues:

- i. Whether the accident was occurred due to rash and negligent driving of the driver of the Lorry bearing registration No.AP 29 T 6696 and caused death of Golla Prakasa Rao?
- ii. Whether the petitioners are entitled for compensation, and if so from whom and at what rate?
- iii. To what relief?

7. In the course of the trial, the 1<sup>st</sup> claimant examined herself as PW1, and got examined PWs.2 and 3 on her behalf and marked Exs.A1 to A12. Exs.X1 to X4 are marked through PW3. The appellant has marked no oral evidence. Ex.B1 is the lone document marked, copy of the policy issued by the 2<sup>nd</sup> respondent.

8. Adverting to the issue No.1, the Tribunal has taken into consideration the affidavit of PW1, and Exs.A1 to A12 marked through PW1.

Ex.A1 is the certified copy of FIR in Crime No.190 of 2012 of Vijayawada I Town Police Station registered for the offence under Section 304-A of IPC. PW2, K.Murali Krishna, is the one who gave complaint. Ex.A2 is the copy of the charge sheet filed before the III Additional Metropolitan Magistrate, Vijayawada City, against the 3<sup>rd</sup> respondent, who is the driver of the offending lorry for the offence under Section 304-A of IPC. Ex.A2, charge sheet clearly concludes that the accident took place only due to rash and negligent driving of the driver of the lorry and the inquest report, which is Ex.A3, also supports the same. Ex.A4 is the copy of postmortem report of the deceased.

9. Both the inquest report and postmortem report apparently establishes that at the time of death, the age of the deceased was 38 years. Ex.A5 is the copy of Motor Vehicle Inspector's report, which indicates that the accident was occurred not due to any mechanical defect of the offending vehicle. Ex.A6 is the copy of rough sketch of the scene of offence. Ex.A7 is the SSC Marks list of the deceased, confirming the date of birth as 05.02.1974. Ex.A8 is the B.A. Degree Provisional Certificate issued by Nagarjuna University, dated 17.11.1997. Ex.A9 is the B.Ed., Degree Provisional Certificate issued by Nagarjuna University, dated 12.01.2009. Ex.A10 is the M.A. (English) Provisional Certificate issued by Kakatiya University, dated 18.10.2015. Ex.A11 is the experience certificate issued by Disney Land High School, Warangal, A.P., dated 02.03.2012.

10. In the cross examination, PW1 categorically stated that the driver of the offending lorry drove the vehicle in a rash and negligent manner and denied the suggestion that the deceased was not working in Sri Chaitanya E-Techno School, Madhira. Added to the same, PW2, K.Murali Krishna, who is cousin of deceased, described the manner in which the accident occurred being the eyewitness. The cross-examination of PW2 proved not helpful to the appellant. PW3, R.Jaya Ram, who was working as Chief Accountant of Sri Chaitanya E-Techno School, deposed that the deceased was working as

Principal in Madhira Branch from 01.05.2011 to 14.03.2012 and died in the accident on 15.03.2012 and monthly salary was Rs.30,000/- and the net salary was Rs.29,800/-.

11. There is no cross-examination by the respondents and the evidence of PW3 stands admitted. The driver remained *ex parte* and the appellant, who is the 2<sup>nd</sup> respondent in the claim petition, did not take any steps to summon the driver to examine, which confirms the accident occurred was due to rash and negligent driving and resultantly, the issue was answered against the appellant/respondents in the claim petition.

12. In respect of issue Nos.2 and 3, it is an admitted fact that the policy was operating as on the date of accident and while considering the quantum of compensation, the Tribunal, after collaborating the evidence adduced by PW1 and the other witnesses on her behalf, concluded that the salary drawn by the deceased was Rs.30,000/- and the deceased used to pay income tax and professional tax was left undisputed.

13. The Tribunal, legalistically after deducting 20% of the amount towards income tax and professional tax, the net salary derived as Rs.24,000/- and total annual income of the deceased as Rs.2,88,000/-. 1/3<sup>rd</sup> was deducted towards personal and living expenses and finally the net contribution towards the family was shown as Rs.1,92,000/- per annum. The age of the deceased was taken as 05.02.1974, which was not strictly rebutted by the appellant/Insurance Company. The multiplier applicable to the deceased, as per the judgment of the Hon'ble Supreme Court in **Sarla Verma and Others vs. Delhi Transport Corporation and Another**<sup>1</sup>, was taken as '15' and accordingly, the entitlement for the compensation towards loss of dependency was Rs.28,80,000/- (Rs.1,92,000 x 15).

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<sup>1</sup> (2009) 6 SCC 121

14. The Tribunal was legally mindful in awarding compensation of Rs.25,000/- towards funeral expenses and transportation charges. The 1<sup>st</sup> respondent/claimant, being the widow of the deceased, is entitled to claim a sum of Rs.1,00,000/- towards loss of consortium, as per the pronouncement of the Hon'ble Supreme Court in ***Rajesh and others vs. Rajbir Singh and others***<sup>2</sup>. Finally, the Tribunal awarded a total compensation of Rs.30,05,000/- with interest @ 7.5% per annum from the date of filing of petition till the date of deposit, holding all the respondents as jointly and severally liable to pay the compensation.

15. The main argument advanced by the appellant is that the Tribunal failed to see in the proper perspective as to whether the charge sheet is filed in a routine manner and his argument was precise on the said contention. This Court verified the entire pleadings in the counter and the evidence, nowhere it could be traced that the Insurance Company filed any case challenging the charge sheet before the competent Court and in absence, the appellant/Insurance Company cannot raise this issue and hence, the same is rejected *in limine per se*.

16. Regarding the rash and negligent driving, the Tribunal has taken into consideration the entire evidence adduced by the claimants and the failure on the part of the Insurance Company to examine the driver, who was the 3<sup>rd</sup> respondent before the Tribunal and in such absence which is crucial, this Court feels it appropriate that the arguments raised by the appellant need to be scuttled down as erroneous and unwarranted and raised only for the purpose of the appeal intentionally.

17. The Tribunal rightly taken note of the judgments of the Apex Court while awarding the compensation and there is no illegality or infirmity in the order of the Tribunal to interfere with. Hence, this appeal filed against the

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<sup>2</sup> (2013) 9 SCC 54

Judgment and Decree passed in M.V.O.P.No.241 of 2013, dated 30.12.2015 by the Motor Vehicle Accident Claims Tribunal-cum-I Additional District Court, Guntur, is liable to be dismissed as devoid of substantive merit.

18. Resultantly, the Motor Accident Civil Miscellaneous Appeal No.2037 of 2016 is dismissed, *inter alia* upholding the order of the Tribunal.

19. The claimants, being embittered with the order of the Tribunal in not awarding the compensation as prayed for in the petition, filed this Cross-Objection No.42 of 2024.

20. As this Court dismissed M.A.C.M.A.No.2037 of 2016 filed by the Insurance Company against the order of the Tribunal, dated 30.12.2015, in M.V.O.P.No.241 of 2013, no further order needs to be passed in this Cross-Objection and, hence, dismissed. There shall be no order as to costs.

21. As a *sequitur*, Interlocutory Applications pending, if any, shall stand closed.

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**CHEEKATI MANAVENDRANATH ROY, J**

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**TUHIN KUMAR GEDELA, J**

Date : 06-04-2026  
BMS