

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
MOTOR ACCIDENTS CIVIL MISCELLANEOUS APPEAL No.2595 of 2017

Between:

Andhra Pradesh State Road Transport Corporation **...APPELLANT**

AND

\$ G.Shajahan Begum and 6 Others **...RESPONDENTS**

JUDGMENT PRONOUNCED ON **07.08.2026**

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

- | | |
|--|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to
Law Reporters/Journals | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair
copy of the Judgment? | Yes/No |

JUSTICE TUHIN KUMAR GEDELA

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA
MOTOR ACCIDENTS CIVIL MISCELLANEOUS APPEAL No.2595 of 2017

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Between:

Andhra Pradesh State Road Transport Corporation **...APPELLANT**

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\$ G.Shajahan Begum and 6 Others **...RESPONDENTS**

! Counsel for the Appellant : Ms. Meghana for Mr. Aravala Rama Rao

! Counsel for the Respondents 1 to 6: Mr.Nikhilesh.T, for Mr.Varun Byreddy

<Gist :

>Head Note:

? Cases referred: 1. (2009) 6 SCC 121

2. 2020 SCC OnLine SC 1562

3. MACMA.No.2139 of 2017, dated 30.07.2024

4. (2017) 16 SCC 680

5. 2024:RJ-JD:40274

APHC010021492017



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

[3548]

FRIDAY, THE 7th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

MOTOR ACCIDENT CIVIL MISCELLANEOUS APPEAL NO: 2595/2017

Between:

1. ANDHRA PRADESH STATE ROAD, TRANSPORT CORPORATION,,
 REPRESENTED BY ITS VICE CHAIRMAN AND MANAGING
 DIRECTOR, MUSHEERABAD, HYDERABAD. PRESENT AT PANDIT
 NEHRU BUS STATION, VIJAYAWADA, AMARAVATHI, ANDHRA
 PRADESH.

...APPELLANT

AND

1. G SHAJAHAN BEGUM, W/O. G. MD. MASOOM, MUSLIM, AGED
 ABOUT 57 YEARS, HOUSEWIFE, R/O. H. NO: 56-84-D4, FORT,
 KURNOOL, KURNOOL DISTRICT.
2. G MD MASOOM, S/O. LATE G. ABDUL RASOOL, MUSLIM, AGED
 ABOUT 62 YEARS, R/O. H. NO: 56-84-D4, FORT, KURNOOL,
 KURNOOL DISTRICT
3. G MD ISMAIL, S/O. G. MD. MASOOM, MUSLIM, AGED ABOUT 35
 YEARS, VEG. SELLER, R/O. H. NO: 56-84-D4, FORT, KURNOOL,
 KURNOOL DISTRICT.
4. G MD MUSTAQ HUSSAIN, S/O. G. MD. MASOOM, MUSLIM, AGED
 ABOUT 32 YEARS, TEACHER IN A PRIVATE SCHOOL, R/O. H. NO:
 56-84-D4, FORT, KURNOOL, KURNOOL DISTRICT.
5. G MD YASEER HUSAIN, S/ O. G. MD. MASOOM, MUSLIM, AGED
 ABOUT 30 YEARS, TEACHER IN A PRIVATE SCHOOL, R/O. H. NO:
 56-84-D4, FORT, KURNOOL, KURNOOL DISTRICT.

6.G MD KALEEM, S/O. G. MD. MASOOM, MUSLIM, AGED ABOUT 27 YEARS, UN-EMPLOYEE, R/O. H. NO: 56-84-D4, FORT, KURNOOL, KURNOOL DISTRICT.

7.KALARAPU KRISHNA, S/O. ANJANEYULU, RTC DRIVER, AGED NOT KNOWN, R/O. H. NO: 16, 31ST WARD, ANNAVARAM, NUJIVEED, KRISHNA DISTRICT (A.P.) (RESPONDENT NO: 7 IS NOT NECESSARY IN THIS MACMA)

...RESPONDENT(S):

Appeal filed under Order 41 of CPC before the High Court aggrieved by the judgment and decree dt.15/06/2017 in MVOP.No.139 of 2015 on the file of the Chairman, MACT-cum-IV Additional District Judge, Kurnool

IA NO: 1 OF 2017(MACMAMP 4606 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 M.V.O.P. No. 139 of 2015 on the file of the Chairman, Motor Accidents Claims Tribunal - Cum - IV Additional District Judge, Kurnool, Kurnool District and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Appellant:

1.ARAVALA RAMA RAO(SC FOR APSRTC KKAC)

Counsel for the Respondent(S):

1.VARUN BYREDDY

The Court made the following:

JUDGMENT:

Heard,

Ms. Meghana, learned counsel representing Mr. Aravala Rama Rao, learned Standing Counsel for the appellant/Andhra Pradesh State Road Transport Corporation (in short 'the Corporation'), and Mr. Nikhilesh.T, learned counsel representing Mr. Varun Byreddy, learned counsel for the claimants/respondent Nos.1 to 6.

2. Ms. Meghana, learned counsel, would proceed to submit that the present appeal is filed against the Judgment and Decree, dated 15.06.2017, passed in M.V.O.P.No.139 of 2015, on the file of Chairman, Motor Accidents Claims Tribunal-cum-IV Additional District Judge, Kurnool (in short 'the Tribunal'), in partly allowing the petition and awarding compensation of Rs.8,80,000/-, fastening liability on the respondents.

3. The parties are arrayed as arraigned before the Tribunal.

4. The conspectus of facts leading to the filing of the petition before the Tribunal are as follows:

i. The 1st petitioner and the 2nd petitioner are the parents, and petitioners 3 to 6 are the brothers of the deceased, Dawood Hussain. On 07.11.2009, Dawood Hussain, left Vijayawada in the early hours on his Pulsar motorcycle bearing registration No.AP21P8760 to go to Hyderabad. At about 3:30 p.m., near Chityala Bus Station, the 2nd respondent, who is the driver of APSRTC bus bearing registration No.AP28Z5321 drove the bus in a rash and negligent manner and dashed against the motorcycle from behind. As a result, Dawood Hussain fell on the road and the bus passed over his waist and both thighs. He was immediately shifted to Kamineni Hospital in a 108 ambulance by G.Md.Hashim Hussain, who is his cousin, and he succumbed to injuries on the same day at 04:50 p.m.

ii. The contention before the Tribunal by the claimants is that the deceased had appeared for and passed the Common Proficiency Test (CPT)

conducted by the Institute of Chartered Accountants of India, New Delhi, on 16.01.2009. The deceased did his Intermediate with Commerce group and also pursuing a vocational course in Accounting and Taxation with the aim of becoming Chartered Accountant. The petition further contends that the deceased is intelligent, industrious and bright student and was ambitious to go to USA for higher studies. The deceased's parents, who are claimants 1 and 2, contended that the deceased was having a bright future and had he been alive, he would have earned Rs.10,00,000/- per month after completion of his Chartered Accountancy and would have helped the petitioners, and because of the sudden demise, they have lost the love and affection, his company, and also his income.

iii. It is further contended by the claimants that the owner of the bus bearing registration No.AP28J5321 is APSRTC, and that the 2nd respondent is the employer of the Corporation and the driver of the offending vehicle. The further contention of the claimants in the petition is that they are entitled to special damages of Rs.65,000/- and general damages of Rs.18,00,000/-, in all, Rs.18,65,000/-, but restricted their claim to Rs.12,00,000/-. Both the respondents are jointly and severally liable to pay the compensation.

5. Retaliating to the said contentions, the Corporation filed a counter generally and specifically denying the allegations, stating that the driver of the Corporation was holding a valid driving licence and had good experience in driving and that he had passed all the tests conducted by the 1st respondent authorities. As such, there was no negligence on his part. It is further averred that the deceased was driving the vehicle at a high speed and tried to overtake a private taxi, due to which he lost balance and fell down from his motorcycle.

6. The 2nd respondent, who is the driver, also filed a counter denying the age and income of the deceased and contending, *inter alia*, that the compensation claimed is highly excessive and that there was no negligence

on the part of the driver, and that the accident occurred solely due to the rash and negligent driving of the deceased.

7. Basing on the said averments in the petition as well as the counter, the Tribunal framed the following issues:

- i. Whether the accident occurred due to rash and negligent driving of the driver of APSRTC bearing registration No.AP28Z5321?
- ii. Whether the claimants are entitled to the compensation of Rs.12,00,000/- or to what just amount and from whom the same shall be recovered?
- iii. To what relief?

8. While answering Issue No. 1, the Tribunal has taken note and recapitulated the entire facts contained in the petition and reproduced the facts regarding the cause of the accident, which were not denied. In order to prove their case, the claimants examined the 1st petitioner as PW1 and the cousin of the deceased, namely G.Md.Hashim Hussain, as PW2, and marked Exs.A1 to A12. On behalf of the respondents, the 2nd respondent was examined as RW1, and no exhibits were marked on their behalf.

9. The evidence of PW1 was taken note of and through her examination, the following documents were marked:

- i. Certified copy of the FIR in Crime No.247 of 2009 (Ex.A1)
- ii. Certified copy of the inquest panchanama (Ex.A2)
- iii. Certified copy of the post-mortem examination report (Ex.A3)
- iv. Certified copy of the MLC intimation (Ex.A4)
- v. Certified copy of the final report under Section 173 CrPC (Ex.A5)
- vi. Result card of the deceased for the Common Proficiency Test (Ex.A6)
- vii. Attested copy of the Intermediate Marks Memo (Ex.A7)
- viii. Original Secondary School Certificate of the deceased (Ex.A8)
- ix. Certified copy of the summons issued to the 2nd respondent in C.C.No.18 of 2010 on the file of the Judicial Magistrate of First Class, Ramananpet, Nalgonda District (Ex.A9)

- x. Certified copy of application filed by 2nd respondent for plea bargaining (Ex.A10)
- xi. Sworn affidavit filed by the 2nd respondent (Ex.A11)
- xii. Certified copy of docket order dated 06.12.2014 in C.C.No.18 of 2010 on the file of the Judicial Magistrate of First Class, Ramananpet, Nalgonda District (Ex.12)

All these certificates were marked through the claimants.

10. The Tribunal further took note of the fact that the 2nd respondent had filed an application for plea bargaining and was extended the benefit under the Probation of Offenders Act, as per the order dated 06.12.2014 in C.C.No.18 of 2010 on the file of the Judicial Magistrate of First Class, Ramannapeta. The Tribunal observed that the said order itself connotes that the accused admitted that he had committed the offence by driving in a rash and negligent manner and had hit the motorcycle bearing registration No.AP21P8760.

11. Taking into consideration the said application (Ex.A10), the Tribunal has answered issue No.1 in favour of the claimants.

12. While answering Issue No.2, the Tribunal has taken the age of the deceased as 23 years as on the date of the accident and also considered that he had passed the Common Proficiency Test (CPT) by taking into consideration the exhibits filed in support thereof. The Tribunal opined that the monthly income of the deceased would be between Rs.5,000/- and Rs.10,000/- per month, since the deceased had completed a vocational course relating to the said subjects. The Tribunal came to the conclusion that the income of the deceased would be Rs.8,000/- per month. Taking the monthly income at Rs.8,000/- and deducting 50% towards personal and living expenses, the Tribunal calculated the contribution to the family at Rs.48,000/- per annum. The Tribunal determined the age of the deceased by relying upon the Secondary School Certificate and considered his age as 23 years as on the date of the accident.

13. For adopting the multiplier, the Tribunal relied upon the observations of the Hon'ble Supreme Court in **Sarla Verma and others vs. Delhi Transport Corporation and another**¹ and adopted the multiplier of '18'. The Tribunal calculated the loss of dependency at Rs.48,000/- × 18 = Rs.8,64,000/-. Additionally, the petitioners were held entitled to Rs.10,000/- towards loss of estate and Rs.5,000/- towards funeral expenses. Altogether, the Tribunal determined the compensation payable at Rs.8,79,000/-, which was rounded off to Rs.8,80,000/-. Accordingly, Issue No.2 was answered in favour of the petitioners.

14. Here, this Court finds that the decision and conclusion arrived at by the Tribunal in considering the income of the deceased at Rs.8,000/- per month, despite the fact that he was qualified the Common Proficiency Test (CPT) and was preparing for the next stage of Chartered Accountancy, namely the Integrated Professional Competence Course (IPCC), at Central Academy Institute, Vijayawada, are not justified. This Court would construe that the deceased was pursuing his Chartered Accountancy course at Central Academy Institute, Vijayawada, which substantiates that the deceased is having a bright future.

15. In view of the recent pronouncement of the Hon'ble Supreme Court in **Navjot Singh vs. Harpreet Singh and others**², wherein compensation of Rs.20,000/- was awarded to a student pursuing an MBA course, and the judgment of the Division Bench of this Court in **United India Insurance Company Limited vs. Susubelli Bapuji and others**³, wherein compensation of Rs.20,000/- per month was also awarded to a student pursuing an MBA course, this Court is of the view that the deceased, who was pursuing his Chartered Accountancy course in the Central Academy Institute, Vijayawada, can also be construed to have been pursuing a professional course. This Court also finds that the respondent could not elicit any rebuttal

¹ (2009) 6 SCC 121

² 2020 SCC OnLine SC 1562

³ M.A.C.M.A.No.2139 of 2017, dated 30.07.2024

stance to the pleadings or during examination of PW.1 and the exhibits marked through her in the cross-examination. This Court in **United India Insurance Company Limited vs. Susubelli Bapuji and others** (supra 3), at paragraphs 26 and 27, held as follows:

“26. In Navjot Singh v. Harpreet Singh, the appellant was a student undergoing a degree course in Engineering from a premier institute. He was 21 years of age. The High Court fixed notional income as Rs.5,000/- per month on the basis of what an unskilled worker will earn. The Hon’ble Apex Court observed that the notional income could not be taken to be equivalent to the minimum wages admissible to an unskilled worker. The students recruited through campus interviews are atleast offered a sum of Rs.20,000/- per month.

27. Considering the evidence on record and giving it due weightage, as also in consideration of the judgments of the Hon’ble Apex Court, we are of the view that the monthly notional income of the deceased would not have been less than 20,000/- per month. We accordingly determine the monthly income as Rs.20,000/- per month.”

16. The Hon’ble Supreme Court, in **Navjot Singh’s** case (supra 2), at paragraph 13, held as follows:

“13. But we do not think that the notional income of a student undergoing a Degree course in Engineering from a premier institute should be taken to be equivalent to the minimum wages admissible to an unskilled worker. Students recruited through campus interviews are atleast offered a sum of Rs.20,000/ per month.”

17. This Court also finds a legal flaw in the Judgment and Decree passed by the Tribunal in awarding compensation under the conventional heads, as explained by the Constitution Bench of the Hon’ble Supreme Court in **National Insurance Company Limited vs. Pranay Sethi**⁴, wherein, at paragraph 59.8, it was held as follows:

“59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”

⁴ (2017) 16 SCC 680

18. Regarding future prospects, the Hon'ble Supreme Court, in **Pranay Sethi's** case (supra 4), at paragraph 57, held as follows:

"57.Taking into consideration the cumulative factors, namely, passage of time, the changing society, escalation of price, the change in price index, the human attitude to follow a particular pattern of life, etc., an addition of 40% of the established income of the deceased towards future prospects and where the deceased was below 40 years an addition of 25% where the deceased was between the age of 40 to 50 years would be reasonable."

19. Regarding the award of compensation towards loss of consortium to the brother of the deceased, learned counsel for the claimants placed reliance upon the judgment of the Rajasthan High Court in **Shriram General Insurance Company Limited vs. Jethmal Singh and others**⁵, wherein, at paragraph 28, it was held as follows:

"28. This Court also finds that, contrary to the pecuniary heads, where factors such as dependency are important to ascertain the loss, the consortium, being a non-pecuniary head is not to be considered in the light of dependency of a claimant upon the deceased inasmuch as even the siblings, as in the present case, would be deprived of the love, care, affection and company of the deceased, which can not be quantified. Therefore, this Court deems it appropriate to grant compensation towards the head of consortium to the brother of the deceased also."

20. In view of the same, this Court is inclined to fix the notional income of the deceased, who was pursuing Chartered Accountancy at the Central Academy Institute, Vijayawada, at Rs.15,000/- per month. The Tribunal has rightly adopted the multiplier of '18'. The Tribunal, while awarding compensation, has also rightly fixed the liability, proportionate costs, and interest @ 7.5% per annum against respondent Nos.1 and 2. Except for the enhancement of compensation, the remaining findings of the Tribunal do not warrant any interference or modification. Therefore, the compensation is re-assessed as follows:

⁵ 2024:RJ-JD:40274

Head	Calculation	Compensation
Annual income	Rs.15,000/- x 12	Rs.1,80,000/-
Addition of 40% future prospects	Rs.1,80,000/- x 40/100	Rs.72,000/-
Annual income after future prospects	Rs.1,80,000/- Rs.72,000/- +	Rs.2,52,000/-
Deduction of 50% towards personal and living expenses	Rs.2,52,000/- x 1/2	Rs.1,26,000/-
Multiplier	Rs.1,26,000/- x 18	Rs.22,68,000/-
Loss of consortium	Rs.40,000/- x 6	Rs.2,40,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Total		Rs.25,38,000/-

21. In fine, the Judgment and Decree of the Tribunal is modified to the extent of enhancing the compensation from Rs.8,80,000/- to Rs.25,38,000/-. The appellant herein is directed to deposit the aforesaid enhanced amount of compensation before the Tribunal within a period of eight weeks from the date of receipt of a copy of this judgment, after deducting the amount, if any, deposited earlier. On such deposit, the claimants are entitled to withdraw the same as per their apportioned shares before the Tribunal by filing an appropriate application before the Tribunal. The claimants shall pay the Deficit Court Fee on the compensation awarded over and above the amount claimed in the Claim Petition. It is made clear that there will be no interest on the enhanced compensation.

22. Resultantly, the Motor Accident Civil Miscellaneous Appeal No.2595 of 2017 filed by the Andhra Pradesh State Road Transport Corporation is dismissed, modifying the Judgment and Decree of the Tribunal to the extent indicated above. The strenuous and vehement arguments advanced by Ms. Meghana, learned counsel, are appreciated by this Court. No costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

TUHIN KUMAR GEDELA, J

Date : 07-08-2026

Note : L.R. copy be marked
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