

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

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**M.A.C.M.A.No.3256 OF 2008**

Between:

Nambi Ramachandram,  
S/o.Singaraiah, Aged 57 years,  
Oc:Village Secretrary,  
Chelpur Gram Panchayat,  
R/o.H.No.17-58, Vivekananda Colony,  
Huzurabad, Karimnagar

... Petitioner/Appellant

And

1.Kandula Saraiah S/o.Komuraiah  
aged 14 years, Oc:Owner of new Tractor

2. United India Insurance Company Ltd  
Brach Officer, Mukarampura,  
Karimnagar, Rep by its Manager

... Respondents

DATE OF JUDGMENT PRONOUNCED: 29.04.2024

Submitted for approval.

**THE HON'BLE SRI JUSTICE K.SURENDER**

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|---|--|--------|
| 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 |

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**K.SURENDER, J**

**\* THE HON'BLE SRI JUSTICE K. SURENDER**

**+ M.A.C.M.A.No3256 OF 2008**

% Dated 29.04.2024

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S/o.Singaraiah, Aged 57 years,  
Oc:Village Secretrary,  
Chelpur Gram Panchayat,  
R/o.H.No.17-58, Vivekananda Colony,  
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Petitioner/appellant

And

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... Respondents

**! Counsel for the Appellant:** Sri Y. Ashok Raj

**^ Counsel for the Respondents:** K.Rajendra Prasad for R.2

**>HEAD NOTE:**

**? Cases referred**

<sup>1</sup> (2011) 13 SCC 236

<sup>2</sup> 2009(6) SCC 121

**THE HON'BLE SRI JUSTICE K.SURENDER****M.A.C.M.A No.3256 OF 2008****JUDGMENT:**

1. This appeal is filed by the appellant against the Order and Decree dated 01.03.2007 in O.P.No.306 of 2006 on the file of the Motor Accident Claims Tribunal-Cum-III Additional District Judge, at Karimnagar, where under the Tribunal granted an amount of Rs.73,300/- towards compensation along with interest @ 7.5% per annum as against the claim of Rs.1,50,000/- on account of the injuries received in the motor vehicle accident occurred on 18.12.2004.

2. The manner in which the accident had taken place and the injuries sustained by the appellant-claimant are not in dispute. The claimants are aggrieved by the direction of the Tribunal exonerating the Insurance Company from paying compensation and holding the owner of the vehicle as the person responsible to pay compensation.

3. Heard the learned counsel for the appellant-claimant and the learned counsel for respondent No.2-Insurance Company.

4. The Tribunal found that the Police had filed charge sheet against the Driver of the vehicle, which is a tractor under Section 181 of the Motor Vehicles Act for not holding a valid license. On

the basis of the charge sheet, the Tribunal held that Driver does not hold a valid license, accordingly, fastened the liability to pay compensation on the owner of the vehicle.

5. Learned counsel appearing for the appellant would submit that the Tribunal had awarded meagre compensation and further submits that the Insurance Company shall be made liable to pay the compensation.

6. On the other hand, learned counsel appearing for the Insurance Company would submit that burden lies on the claimant to prove that the Driver of the offending vehicle is holding a valid driving license. In the absence of the claimant/injured providing such information, the compensation cannot be directed to be paid by the Insurance Company.

7. The filing of the charge sheet under Section 181 of the M.V.Act, it cannot be said that the Driver was not holding a valid license. The charge sheet is filed by the Investigating Officer on the basis of the facts collected during investigation. However, the said allegations in the charge sheet are subject to framing of charge by the Court. On behalf of the prosecution and defence, evidence has to be adduced. Unless the Court below finds that the allegations made in the charge sheet are proved by oral or documentary evidence that would be placed by the prosecution,

the trial Court cannot pass orders basing on allegations in charge sheet. Only in the event of Court recording conviction under Section 181 of the M.V.Act, it cannot be said that the Driver was not holding a valid driving license. Merely, on the basis of the charge sheet filed by the Police, the compensation cannot be denied. If it is the case of the Insurance Company that the Driver of the vehicle was not holding a valid driving license, it is for them to produce evidence either from the Regional Transport Authority or any other mode. Accordingly, determining that the driver was not holding a valid license is on the basis of charge sheet is incorrect.

8. The Hon'ble Supreme Court in ***Ramachandrappa vs. The Manager, Royal Sundaram, Alliance Insurance Company Limited***<sup>1</sup> held that income of a daily wage labour can be considered at Rs.4,500/- per month. In view of the said judgment, this Court is inclined to fix the income of the appellant at Rs.4,500/-p.m notionally. Accordingly, the annual income comes to Rs.54,000/-. In view of the judgment of the Hon'ble Supreme Court in ***Smt.Sarla Varma Vs. Delhi Transport Corporation***<sup>2</sup>, the appropriate multiplier would be '9'. When applied '9' multiplier, the amount comes to Rs.4,86,000/-(54,000x9). Taking

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<sup>1</sup> (2011) 13 SCC 236

<sup>2</sup> 2009(6) SCC 121

into consideration, 25% disability, the amount comes to Rs.1,21,500/-(4,86,000x25%). Apart from the same, the appellant is entitled for an amount of Rs.30,000/- towards two grievous injuries, Rs.25,000/- towards pain and suffering and Rs.15,000/- towards treatment. Thus, the total compensation is arrived at Rs.1,91,500/-(1,21,500+30,000+25,000+15,000).

9. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed enhancing the compensation awarded by the Tribunal from Rs.73,300/- to Rs.1,91,500/-. The Insurance Company is directed to pay the compensation amount to the claimant in the first instance, and recover the same from the owner of the tractor-trailor thereafter. The enhanced amount shall carry interest @ 7.5% per annum from the date of petition till the date of realization. The appellant is permitted to withdraw the entire amount of compensation, on payment of deficit Court fee. Except the above enhancement, the award of the Tribunal shall remain same on all other aspects. Miscellaneous applications, if any pending, shall stand closed.

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**K.SURENDER, J**

Date : 29.04.2024  
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