

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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M.A.C.M.A.No.2708 of 2015

Between:

B.Channa Reddy and another.

....Appellants

and

M.Jangaiah and another.

....Respondent

JUDGMENT PRONOUNCED ON : 01.12.2015

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

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

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2708 of 2015

JUDGMENT:

This appeal is preferred by the parents of the deceased aged two years, who died in a motor accident that occurred on 10.11.2001 at about 8.30 am when a DCM van bearing No.AP 12 U 270 driven by its driver in a rash and negligent manner dashed the said boy in front of his house.

The first respondent – owner of the vehicle, remained *ex parte* and the case was contested by the second respondent.

On the basis of the pleadings, the following issues were framed

by the Tribunal:

- “1. Whether the deceased B.Amarnath Reddy died in motor accident due to rash and negligent driving of 1st respondent's DCM Van?
2. Whether the petitioners are entitled for compensation, if so, to what amount and from whom?
3. To what relief?”

The father of the deceased was examined as P.W.1 and Exs.A1 to A6 were exhibited. The eyewitness to the accident was examined as P.W.2.

With regard to the first issue, the Tribunal held that the accident occurred due to rash and negligent driving of the vehicle by its driver.

With regard to the compensation, the claimants claimed an amount of Rs.1,00,000/-. The age of the boy being two years is not in dispute as per the documentary evidence in Exs.A1, A3 and A5. The Tribunal awarded an amount of Rs.75,000/- towards loss of life and future prospective earning power including the amount under no fault liability, Rs.1,500/- towards transportation of the dead body and Rs.2,000/- towards funeral expenses. The Tribunal thus awarded an amount of Rs.78,500/- by its award dated 18.08.2003 and seeking enhancement of the said amount, the present appeal is filed.

The deceased was aged about two years and it is not in dispute that, with regard to the minor children, the law is settled by the Supreme Court in **New India Assurance Co. Ltd. v. Satender**^[1], wherein the Supreme Court opined that in view of uncertainties in regard to the academic pursuits, achievements in career and thereafter advancement in life, nothing can be assumed with reasonable certainty. Accordingly, it awarded a sum of Rs.1,80,000/-. In view of the same, the said amount is awarded along with interest at 9% per annum in this case also.

Though the claimants filed the claim petition for an amount of

Rs.1,00,000/- in view of the Larger Bench decision of this Court in **Adam Indur Muttemma v. Rathod Reddia**^[2], the amount can be enhanced without there being any separate application. Therefore, the award of the Tribunal of Rs.78,500/- is enhanced to Rs.1,80,000/-. But, the enhanced amount shall be paid to the claimants after payment of deficit Court fee and the enhanced amount shall carry interest at 9% per annum from the date of the petition till the date of realization.

The appeal is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

01.12.2015
vs

^[1] 2007 (1) ALT 26 (SC)

^[2] 2015 (4) ALT 775 (LB)