

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A. C.M.A. No.1741 OF 2009

JUDGMENT:

When a minor girl viz., Chittemma of 12 years old, died in a road accident, relying on the decision of the Hon'ble Supreme Court in **Kaushalya Devi v. Shri Karan Arora and others** [2007 (2) SC 61], the learned Chairman, Motor Accidents Claims Tribunal - cum - VII Additional District Judge, Mahabub Nagar, by an order and decree, dated 28.11.2007, in O.P. No.431 of 2006, awarded an amount of Rs.1,00,000/- towards compensation; against which, the present appeal is preferred by the parents of the minor girl seeking enhancement of compensation.

2. Heard Sri K. Venkatesh Gupta, learned counsel for the petitioners (appellants), and Sri A. Ramakrishna Reddy, learned standing counsel for respondent No.2 - insurer.

3. Despite service of notice on respondent No.1, owner of the DCM Van bearing No.AP-21-X-3099 that involved in the accident, none appears on his behalf.

4. Learned counsel for the appellants would submit that the deceased girl was 12 years old on the date of accident, as such, the amount of Rs.1,00,000/- granted by the Tribunal, by any standard, is on lower side, and urges to grant Rs.3,00,000/- as claimed. Whereas, the learned standing counsel for the insurer would resist the same on

the ground that the order of the Tribunal does not warrant any interference in view of the fact that the deceased girl was not an earning member.

5. Irrespective of the contentions raised by both sides, when the law declared by the Hon'ble Supreme Court in **Puttamma and others v. K.L. Narayana Reddy and another**¹ is applied, for non-earning members above the age of 5 years and below 15 years, the minimum amount towards compensation would be Rs.1,50,000/-, and, therefore, the compensation of Rs.1,00,000/- awarded by the Tribunal is enhanced to Rs.1,50,000/- (Rupees one lakh fifty thousand only) by maintaining the rate of interest at 7.5% per annum on the enhanced sum also from the date of petition till realization in view of the decision of the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**².

6. Accordingly, the Civil Miscellaneous Appeal is allowed in part enhancing the compensation, as indicated above. There shall be no order as to costs.

7. As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

A. SHANKAR NARAYANA, J

August 17, 2016.
PV

¹ 2014 ACJ 526

² 2013ACJ1403 = 2013(4)ALT35