

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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M.A.C.M.A.No.2254 of 2005

JUDGMENT:

This appeal is preferred by the second respondent - insurance company in O.P.No.327 of 2001 on the file of the Court of IV Additional District & Sessions Judge (Fast Track Court), Ranga Reddy District at L.B.Nagar (for short, Tribunal) challenging the liability to pay the compensation to the claimant.

2. Respondents 1 and 2 herein filed the said OP claiming a compensation of Rs.1,00,000/- for the death of their minor child, Dande Kavitha, who was aged about 12 years. It was alleged in the said OP that on 31.12.2000 at about 9.45 pm., while said Dande Kavitha, along with one Sampath, was proceeding on LML scooter bearing No.AIO 3398 and when they reached near Church at Chilukanagar, another scooter bearing No.AP28M 7315 came in opposite direction and dashed the scooter of the Sampath, as a result of which, Danded Kavitha received multiple injuries. She was shifted to Gandhi Hospital for treatment and during the treatment she died.

3. Though the Tribunal came to the conclusion that the claimants (respondents 1 and 2) were entitled to Rs.1,50,000/-, in view of the claim made only to Rs.1,00,000/-, it awarded Rs.1,00,000/-. Even awarding the said amount is challenged by the insurance company, in the present appeal, as contrary to the law laid down by this Court in **Amati Hymavati v. N.Srikrishna Murthy**^[1]. But, in view of the decision of the Supreme Court in **Lata Wadhawa v. State of Bihar**^[2], the claimants are entitled for at least an amount of Rs.2,00,000/- and hence it cannot be said that the award passed by the Tribunal, in the facts and circumstances of the case, is excessive.

4. The appeal is, accordingly, dismissed. Miscellaneous petitions

pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

Date: 21.01.2016
TJMR

[\[1\]](#) 1998 (3) ALD 244

[\[2\]](#) (2001) 8 SCC 197