

HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.2338 OF 2009

JUDGMENT:

The legal representatives of the deceased-appellant No.1, having got dissatisfied with the award of Rs.65,000/- as compensation by the order dated 21.05.2008 in O.P. No.11 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal-cum-Special Judge for Economic Offences-cum-VIII Additional Metropolitan Sessions Judge-cum-XXII Additional Chief Judge, Criminal Courts, City Criminal Courts, Hyderabad (for short, 'the Tribunal') as against the claim of Rs.3,00,000/- laid under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Act'), for the injuries sustained by appellant No.1-petitioner No.1, in a road accident, preferred the instant appeal under Section 173 of the Act seeking enhancement of compensation.

2. Appellant No.1 herein is the petitioner, appellant Nos.2 to 4 are the wife, daughter and son of appellant No.1, while respondent Nos.1 and 2 herein, who are the State Health Transport Officer, represented by Director of Health and Family Welfare Services, Hyderabad and the Secretary to the Medical and Health, Government of Andhra Pradesh, Secretariat, Hyderabad, are respondent Nos.1 and 2, respectively, in the original petition.

3. For the sake of convenience, the parties hereinafter referred to as they were arrayed before the Tribunal in the original petition.

4. Heard Sri B. Venkat Reddy, learned counsel for the appellants. No representation for respondent Nos.1 and 2.

5. Admittedly, the death of the petitioner took place just three days before the pronouncement of the judgment, as mentioned in the cause title. That has been the reason, his legal representatives, who are the wife, daughter and son, preferred the present appeal seeking enhancement. Learned counsel for the appellants would represent that the deceased-appellant No.1 had undergone treatment in a Government Hospital and, therefore, no amount was incurred towards medical expenses. A perusal of the order of the Tribunal would show that a sum of Rs.50,000/- is awarded towards pain and suffering, Rs.5,000/- towards loss of earnings, Rs.5,000/- towards medical expenses and Rs.5,000/- towards extra nourishment and other charges, making a total of Rs.65,000/- with interest 6% per annum. What all can be granted to the appellants is just enhancing the rate of interest from 6% to 7.5% per annum in view of the rate of interest granted by the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**¹. The appellants are not entitled to enhancement, as the very death of the petitioner had taken place after

¹ 2013 ACJ 1403

the arguments were tendered and the matter was awaiting orders before the Tribunal.

6. Thus, the instant appeal is allowed in part modifying the order passed by the Tribunal, by enhancing the rate of interest, as indicated above, and confirming the same in all other respects. There shall be no order as to costs.

7. As a sequel thereto, miscellaneous applications, if any pending in the instant appeal, shall stand closed.

8th November, 2016

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A. SHANKAR NARAYANA, J

