

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.C.M.A. No.2381 OF 2009

JUDGMENT:

The present Civil Miscellaneous Appeal is preferred by the parents of one Bukya Anil, who died in a road accident on 27.02.2004, while he was returning home, since the lorry bearing No.AAI-4040 coming from Nirmal side, hit him; initially he was shifted to Government Hospital, Khanapur and from there to NIMS Hospital, Hyderabad, where he succumbed to the injuries on 04.03.2004 while undergoing treatment.

2. Before the Tribunal, the petitioners examined PWs.1 and 2 and marked Exs.A-1 to A-8 and on behalf of the respondents, no oral or documentary evidence was adduced; however, respondent No.2, insurer of the lorry involved in the accident, alone contested the claim while respondent No.1, owner of the lorry, remained *ex parte*.

3. The Tribunal having analysed the evidence on record, granted Rs.65,000/- towards compensation besides Rs.54,892/- towards medical expenses incurred by the petitioners and Rs.10,000/- towards transportation with interest at 7.5% per annum.

4. Heard Sri S. Surender Reddy, learned counsel for the petitioners (appellants), and Smt. Kalpana Ekbote, learned counsel for the insurer - respondent No.2

5. Despite service of notice on respondent No.1 - owner of the lorry, none appears.

6. No elaborate discussion is needed, in view of the decision of the Hon'ble Supreme Court in **Puttamma and others v. K.L. Narayana Reddy and another**¹; since the deceased was a fifteen (15) years old boy, the petitioners are entitled to Rs.1,50,000/- towards compensation besides Rs.54,892/- towards medical expenses and Rs.10,000/- towards transportation as granted by the Tribunal.

7. Thus, the petitioners are entitled to a total compensation of Rs.2,14,892/- (Rupees two lakhs fourteen thousand eight hundred and ninety two only) as against Rs.1,29,900/- granted by the Tribunal and the same is accordingly granted maintaining the rate of interest granted by the Tribunal at 7.5% per annum on the entire compensation, which includes enhanced compensation, since the same is in accordance with the rate of interest granted by the Hon'ble Supreme Court in **Rajesh and others v. Rajbir Singh and others**². The enhanced compensation shall be apportioned between the petitioners as directed by the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the order under challenge and enhancing the compensation, as indicated above. There shall be no order as to costs.

1. 2014 ACJ 526

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

A. SHANKAR NARAYANA, J

October 26, 2016.

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2. 2013ACJ1403 = 2013(4)ALT35

