

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

M.A.C.M.A.No.2392 of 2006

JUDGMENT:

This appeal is arising out of the order, dated 06.05.2006, passed in O.P.No.707 of 2004 on the file of the Motor Vehicle Accident Claims Tribunal-cum-III Additional District & Sessions Judge (FTC), Medak (for short 'the Tribunal).

2. Appellants are the parents of the deceased boy, Erra Paninderpal, who died in a motor vehicle accident. They filed O.P.No.707 of 2004 under Section 166 of the Motor Vehicles Act, 1988, claiming compensation of Rs.1,50,000/- on account of the death of the deceased.

3. The brief facts of the case are that on 22.05.2004, the deceased and others were proceeding in an auto bearing No.AP 23 V 3924 to Tenkali Village. When they reached near bore-well of Mohanrai in the limits of Papannapet Village at about 8.00 p.m., a Tractor and Trailer bearing temporary Nos. AP 36 T/R 2 and AP 23 B 3482 came in opposite direction, driven in a rash and negligent manner and dashed the auto, as a result of which, the deceased received grievous injuries and died on the spot. The Police registered a case in Crime No.52/2004 under Sections 304-A and 337 IPC against the driver of the Tractor and Trailer.

4. The respondents filed counters denying the allegations made in the petition.

5. The Tribunal, on consideration of the oral and documentary evidence, has awarded compensation of Rs.1,35,000/- as against the claim of Rs.1,50,000/-. Feeling aggrieved by the quantum of compensation, the appellants filed this appeal for enhancement of the same.

6. The short point that arises for consideration in this appeal is as to whether the appellants are entitled for enhancement of compensation?

7. Learned counsel for the appellants submitted that the appellants filed this appeal for enhancement of compensation from Rs.1,35,000/- to Rs. 1,50,000/- under various heads.

8. Learned Standing Counsel for respondents fairly conceded that he has no objection for enhancement of compensation from Rs.1,35,000/- to Rs.1,50,000/-.

9. In view of the aforesaid submission made by the learned Standing Counsel and having regard to the fact that the compensation claimed by the appellants is just and reasonable, this Court is of the opinion that the appellants are entitled for enhancement of compensation.

10. The appeal is accordingly allowed enhancing the compensation awarded by the Tribunal from Rs.1,35,000/- to Rs.1,50,000/- with proportionate costs and interest at the rate of 7.5% per annum. The respondents are directed to deposit the amount within two months from the date of receipt of a copy of this order. On such deposit, the appellants are permitted to withdraw the

same in the same proportion as directed by the Tribunal. There shall be no order as to costs.

As a sequel, miscellaneous petitions, if any, pending shall stand closed.

G. SHYAM PRASAD, J

Date: 26.12.2016
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