

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A.No.562 of 2010

JUDGMENT:

The claimants are no other than the parents of minor child aged about 7 years as per Ex.A2-inquest report and from the evidence on record, in the claim maintained under Section 166 of the Motor Vehicles Act for compensation of Rs.3,00,000/- against the owner and insurer of the lorry bearing No.AP-29-T-1892, from the contest by the respondents, the Tribunal since awarded Rs.1,55,000/- with interest @ 7.5% per annum in O.P.No.461 of 2007 dated 18.11.2008, impugning the said quantum as utterly low maintained the appeal.

Heard learned counsel for claimants/appellants and learned counsel for the insurer and perused the material on record.

The compensation of Rs.1,55,000/- awarded from the age of 7 years of the child even in the absence of any proof without any fault, liability to be taken at Rs.50,000/- that apply to a just born child and for 7 years with increase of Rs.10,000/- per year which comes to Rs.70,000/- and funeral expenses of Rs.25,000/-, loss of estate Rs.10,000/- and even Rs.20,000/- towards care and guidance of future and love and affection from the loss of the child to the parents, what the Tribunal awarded of Rs.1,55,000/- is to enhance to Rs.1,75,000/- and there is nothing to interfere with the award of the Tribunal.

Accordingly and in the result, the appeal is partly allowed by enhancing the compensation from Rs.1,55,000/- to Rs.1,75,000/-

with rate of interest @ 7.5% per annum. In other aspects the award of the Tribunal holds good.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 01.12.2016
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