

THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA

M.A.CMA.No.1443 OF 2009

JUDGMENT:

On the ground that a meagre compensation of Rs.50,000/- was awarded by order and decree, dated 12.01.2007, passed in O.P.No.1133 of 2004 on the file of Chairman, Motor Accidents Claims Tribunal – cum – Principal District Judge, Nalgonda, as against the claim of Rs.1,50,000/- laid under Section 163-A of the Motor Vehicles Act, 1988, the petitioner in the said O.P., who is the elder brother of the deceased Papani Sailu, whose death took place in an unmarried status in a road accident that occurred on 22.12.2002 at about 12:45 PM, while he was crossing the road on foot being hit by Hero Honda CBZ Motorcycle bearing registration No.AP-9-AM-6747, preferred the instant appeal.

2. Heard Sri N. Sreedhar Reddy, learned counsel for the appellant, and Sri N.S. Bhaskar Rao, learned counsel for respondent

No.2 – Insurance Company. Though notice was served on respondent No.1, who is the owner of offending vehicle and remained *ex parte* before the Tribunal, none appears for him.

3. Perused the order under challenge and the evidence on record.

4. It is not in dispute that the deceased died in 'unmarried status' and the appellant is the legal representative of the deceased. When, kept in view, the circumstances that the appellant, though, elder brother of the deceased, still, has no permanent occupation nor he is a public servant, the amount of Rs.50,000/- granted by the Tribunal, which consists of Rs.40,000/- towards loss of love and affection and Rs.10,000/- towards loss of estate, certainly, by any stretch of imagination, is very meagre. Even, when the death of a non-earning minor aged between 5 and 15 takes place, the standard is to grant compensation of Rs.1,50,000/-. In such an event, the request made by the appellant for grant of Rs.1,50,000/- as compensation cannot be rejected.

5. Hence, the appeal is allowed enhancing the compensation from Rs.50,000/- to Rs.1,50,000/- with interest at 7.5% per annum on the enhanced amount also, as the rate of interest awarded by the Tribunal was also 7.5% per annum, which is on par with the interest awarded in the decision of the Honourable Supreme Court in **Rajesh and others v. Rajbir Singh and others**^[1].

6. Miscellaneous Petitions, if any, pending in this appeal, shall stand closed. There shall be no order as to costs.

A. SHANKAR

NARAYANA, J
August 02, 2016.
MD

[\[1\]](#) (2013) 9 SCC 54