

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

M.A.C.M.A. No.1210 of 2009

JUDGMENT :

The claimants are the parents of the deceased by name Muneendra, student of 5th class and the compensation claimed is Rs.2,00,000/- under Section 166 of the Motor Vehicles Act against the Managing Director of Sudha Metal Meltchems Pvt. Ltd. whose vehicle bearing No.KA 43 4625 insured with the 2nd respondent-insurer under Ex.B-1 policy involved in the accident from which the deceased was ran over and the Tribunal while holding the accident was the result of rash and negligent driving in answering issue No.1 and issue No.2 entitlement of compensation awarded only Rs.93,000/- with interest at 6% p.a, now impugning the said quantum of compensation as utterly low in seeking to allow as prayed for.

2) The 5th class student, the deceased is aged about 12 years as per Ex.A-3 post mortem report though claimed as 15 years. In fact the claim made for Rs.2,00,000/- itself is reasonable as even minimum no fault liability of Rs.50,000/- for a child in the womb entitled besides funereal expenses and loss of estate. Thereby what the Tribunal awarded of Rs.93,000/- is low and the same is enhanced to Rs.2,00,000/- as prayed for and also

enhancing the rate of interest from 6% p.a. to 7.5% p.a. from the date of claim petition till the date of realization.

3) Accordingly and in the result, the appeal is allowed by enhancing the compensation from Rs.93,000/- to Rs.2,00,000/- with proportionate costs and interest at 7.5% p.a. from the date of claim petition till the date of realization. Rest of the terms of the award of the Tribunal holds good. There is no order as to costs.

4) Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

28.01.2016

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