

HONOURABLE Dr. JUSTICE B.SIVA SANKARA RAO

MACMA No.999 OF 2016

JUDGMENT:

The two claimants, parents of the deceased boy by name Korolla Ramesh aged 6 years filed a petition vide O.P.No.807 of 2006 on the file of the Chairman, Motor Accidents Claims Tribunal–cum-III Addl. District & Sessions Judge(Fast Track Court), Nizamabad, (for short, ‘the Tribunal’), for the claim maintained under Section 166 of the Motor Vehicle Act,1988 (*for short, ‘the Act’*) for compensation of Rs.3,00,000/- for the death of their son while crossing the road against the Insurer and owner of crime vehicle bearing No.AP 9 AU 8048. The tribunal after contest by its award, dt.30.05.2011 granted Rs.55,000/- (Rupees fifty five thousand only) dismissing the claim against the 1st petitioner by fixing liability against both the respondents. Impugning the said award, the petitioners-claimants preferred the present appeal with the contentions in the grounds of appeal that the quantum awarded by the tribunal is utterly low by not considering the aspects of future prospects, loss of dependency, loss of earnings and towards love and affections etc., hence to grant as prayed for.

2. The present appeal is filed by the Claimants with a petition vide MACMAMP No. 4770 of 2011 seeking to condone the delay of 60 days in filing the appeal and the same is condoned. Registry is directed to number the appeal if it is otherwise in order and at request of both sides, the appeal is taken up for hearing.

3. Heard the learned counsel for the appellants-claimants and the R.2-owner of the crime vehicle remained *exparte* before the tribunal even impleaded in appeal, the appeal dismissed for default against him is no way fatal to the maintainability of the appeal. Perused the material on record.

4. So far as the compensation is concerned, in the present case,

the deceased was aged about 6 years at the time of accident. Even in the case of a child in the womb, no fault liability to Rs.50,000/- to be awarded. When such is the case, for the boy of about 6 years, with prospective increase of Rs.20,000/- p.a. totaling Rs.1,20,000/- for six years, is granted, it comes to Rs.1,70,000/-including default liability besides funeral expenses, loss of estate and love and affection Rs.30,000/- is granted, which comes to Rs.2,00,000/- is just compensation to be awarded.

5. Accordingly and in the result, the appeal is allowed in part by enhancing the compensation awarded by the tribunal of Rs.55,000/- is enhanced to Rs.2,00,000/-(Rupees two lakhs only) but the claimants are not entitled to interest on the enhanced amount but from today. The respondents are directed to deposit the enhanced amount within one month from the date of this judgment. Rest of the award holds good. Consequently, miscellaneous petitions, if any, pending in this appeal shall stand closed.

Dr. B. SIVA SANKARA RAO, J

Date: 12.02.2016

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