

SMT JUSTICE T. RAJANI

M.A.C.M.A.No.16 of 2008

JUDGMENT:

This appeal is preferred by the appellants, who are the claimants before the Court below, assailing the judgment of the Principal District Judge, Medak District at Sangareddy in O.P.No.137 of 2008 dated 26.03.2007 on the ground of inadequacy of compensation.

2. Heard both the counsel.

3. Learned counsel for the appellants contends that the claim amount of Rs.1,00,000/- is very less but the Court below allowed the claim petition awarding only Rs.56,250/- and fixed liability of 75% on the respondent No.2—Insurance Company and as regards the child death, the law as on today is that the compensation should be Rs. 1,80,000/-.

4. Learned standing counsel for respondent No.2 does not dispute the said submission.

5. Hence, Rs.1,80,000/- is awarded as compensation following the judgment of the Supreme Court in *Rajesh vs Rajbir Singh*¹ wherein it was held that the compensation can be awarded more than the claim amount. Out of the said amount, 75% of the

¹ 2009 ACJ 1298

liability shall be on respondent No.2—Insurance Company, which comes to Rs.1,35,000/ -.

6. Accordingly, the appeal is allowed, by enhancing the compensation from Rs.56,250/ - (Rupees fifty six thousand two hundred and fifty only) to Rs.1,35,000/ - (Rupees one lakh thrity five thousand only) subject to payment of deficit court fee for Rs.35,000/ - under Rule 475 of A.P. M.V Rules, failing which the claimants are not entitled to execute the award. This award shall relate back to the date of decree and the enhanced compensation awarded shall carry interest at the rate specified and from the time indicated in the award by the Court below.

The civil miscellaneous appeal is allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

Date:05.10.2017
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T. RAJANI, J