

HONOURABLE SRI JUSTICE A. SHANKAR NARAYANA

M.A. C.M.A. No.400 OF 2014

JUDGMENT:

Requesting to enhance the compensation on the ground that the amount of Rs.1,00,000/- awarded by the learned Chairman, Motor Accidents Claims Tribunal - cum - III Additional District Judge, Kurnool at Nandyal, by the order and decree dated 30.12.2010 in M.V.O.P. No.476 of 2009, as against the claim of Rs.3,00,000/- laid under Section 166(c) of the Motor Vehicles Act, 1988, the present Civil Miscellaneous Appeal is preferred, under Section 173 of the Motor Vehicles Act, 1988, by the petitioners, who are parents of the deceased D. Sarath Chandra Reddy, aged 12 years, who died in a motor vehicle accident.

2. Heard Sri G. Sravan Kumar, learned counsel for the appellants - claimants, and Ms. I. Maamu Vani, learned counsel for respondent No.2 - insurer of the lorry bearing No.AP-21-W-9189 that involved in the accident.

3. Despite service of notice on respondent No.1, owner of the lorry, none appears for her.

4. Perused the order and the decree under challenge and the material on record.

5. Admittedly, the deceased boy was studying sixth (6th) class on the date of accident. The Tribunal taking into consideration, the law laid down by the Hon'ble Supreme Court in **Kousalya v. Karan** [2005 (2) ALD 540] and **Karveti Ratnama v. New Sunbulk Carriers, Nerulnavi, Mumbavi Vasi, Thana District** [2005 (2) ALD 540], opined that interest of justice would be met in case Rs.1,00,000/- is awarded towards compensation and accordingly awarded the same with interest at 7% per annum.

6. In view of the latest pronouncement of the Hon'ble Supreme Court in **Puttamma and others v. K.L. Narayana Reddy**¹, since the deceased boy was not an earning member and aged twelve (12) years, falling below 15 years, the petitioners are entitled to Rs.1,50,000/- besides Rs.5,000/- towards transportation charges and Rs.10,000/- towards funeral charges.

7. Thus, the petitioners are entitled to a total compensation of Rs.1,65,000/- (Rupees one lakh sixty five thousand only) and the same is accordingly awarded as against Rs.1,00,000/- awarded by the Tribunal. However, the rate of interest granted by the Tribunal at 7% per annum requires enhancement and the same is accordingly enhanced to 7.5% per annum on the entire compensation, which includes the amount granted by the Tribunal and the enhanced compensation, from the date of petition till realisation, keeping in view, the decision of the Hon'ble Supreme Court in **Rajesh v. Rajbir**

Singh². The enhanced compensation shall be apportioned between the petitioners equally as directed by the Tribunal.

8. Accordingly, the Civil Miscellaneous Appeal is allowed in part modifying the order and the decree under challenge by enhancing the compensation, as indicated above. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Applications, if any, pending in the appeal stand disposed of.

October 24, 2017.
PV

A. SHANKAR NARAYANA, J

¹ 2014 ACJ 526
² 2013ACJ1403 = 2013(4)ALT35

