

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

C.M.A.No.1671 OF 2004

JUDGMENT:

This Appeal is preferred by the claimants against the order dated 13.04.2004 in M.V.O.P.No.4 of 2003, passed by the Motor Accident Claims Tribunal-Cum-III Additional District Judge, Tirupathi (in short "the Tribunal").

The claimants are the parents of the Kumaraswamy (hereinafter referred to as "the deceased"), aged about six years.

As per their claim on 20.11.2002 at about 10.45 a.m., when the 2nd appellant along with the deceased was going to Thatithopu on Alipiri – Cherlopalle bypass road near Almyrah factor, a car bearing registration No.AP 3 V 4941 came from Alipiri side and dashed against the boy on his back and thereby caused severe injuries. Immediately, he was shifted to SVRR Hospital, Tiruapthi, where he was declared dead.

After analysing the evidence and material on record, the Tribunal had awarded Rs.74,000/- under various heads to the appellants. Assailing the same, the present Appeal is filed seeking enhancement.

Learned counsel for the appellants submitted that the issue raised in this Appeal is squarely covered by a judgment of this Court in **New India Assurance Co. Ltd., v P. Raju and Others**¹, wherein, this Court has awarded a sum of Rs.1,50,000/-, taking into consideration the age of the petitioner.

Heard, Sri Kota Subba Rao, learned Standing Counsel for the 2nd respondent- Insurance Company.

¹ 2010 (3) ALD 233

Having considered the respective submissions and on perusal of the material on record and the judgment in **P. Raju's case (1 supra)**, it is to be noted that even in the present Appeal also, the deceased is a young boy of aged about 6 years and studying 1st class and the parents of the deceased are coolies and the deceased is the only son. If at all the boy was alive, he would have studied or done some work, if not also he would be helpful to his parents. In the above case, the learned Single Judge of this Court had analysed various judgments and relying on the judgment of the Supreme Court in **Lata Wadwa v State of Bihar**² had affirmed the Award of Rs.1,50,000/-, granted by the Tribunal as just and reasonable compensation. Therefore, in the present case also, applying the same ratio, the award of compensation granted to the appellants can be enhanced to Rs.1,50,000/-.

Accordingly, the Civil Miscellaneous Petition is allowed. There shall be no order as to costs.

Miscellaneous Petitions, pending if any, in this Appeal shall also stand closed.

CHALLA KODANDA RAM, J

Dated:13.12.2017.

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² AIR 2001 SC 3218