

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.2778 OF 2005

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellants-claimants aggrieved by the order dated 22.02.2001 in M.V.O.P.No.741 of 1997 on the file of the Motor Accident Claims Tribunal-cum-II Additional District Judge Guntur (for short 'the Tribunal').

2. Heard the learned counsel for appellants-claimants, the learned Standing Counsel for the 2nd respondent-Insurance Company and perused the record.

3. Learned counsel for the appellants-claimants would contend that the Tribunal had granted meagre compensation of Rs.59,000/- against the claim of Rs.1,00,000/- and ultimately, prayed to enhance the same as claimed.

4. On the other hand, the learned Standing Counsel for respondent-Insurance Company would contend that the Tribunal had analysed the entire evidence and granted just and reasonable compensation of Rs.59,000/-. There are no grounds to enhance the same and ultimately, prayed to dismiss the appeal.

5. As per the evidence placed on record, the deceased-Janga Vikarm was 12 years old. He succumbed to the injuries due to the rash and negligent driving of the driver of lorry bearing No.AIL 1611 on 15.02.1997. The claim of Rs.1,00,000/- for the death of a boy, who is aged 12 years, is just and reasonable. The Tribunal ought not to have granted Rs.59,000/- towards compensation. In view of the

facts and circumstances of the case, the compensation is enhanced from Rs.59,000/- to Rs.1,00,000/- with interest at 7.5% per annum on the enhanced compensation.

6. In the result, the appeal is allowed modifying the order, dated 22.02.2001 passed by the Tribunal in M.V.O.P.No.741 of 1997, enhancing the compensation from Rs.59,000/- to Rs.1,00,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, the appellant-claimant No.1 is permitted to withdraw the entire enhanced amount along with the interest accrued thereon. The other directions in the impugned order remain unaltered.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 24.08.2018
ssp

Dr. SHAMEEM AKTHER, J

