

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.3083 of 2005

JUDGMENT:

Aggrieved by the grant of compensation of Rs.71,000/- as against a claim of Rs.1,25,000/- by the Chairman, Motor Accident Claims Tribunal-cum-V Additional Chief Judge, City Civil Court, Hyderabad ('the Tribunal' for brevity), vide order, dated 11.04.2005, passed in O.P.No.2002 of 2003, the claimants preferred this appeal under Section 173 of the Motor Vehicles Act, 1988 ('the Act', for brevity) seeking enhancement of compensation.

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

3. The learned counsel for the appellants-claimants would submit that the deceased-Baby Vasantha was a baby girl aged 1½ years as on the date of accident. The compensation granted by the Tribunal is not just and reasonable in the facts and circumstances of the case and ultimately prayed to enhance the compensation to Rs.1,25,000/- as claimed.

4. On the other hand, the learned Standing Counsel for the 2nd respondent-Insurance Company would submit that the Tribunal had taken all the factors into consideration and granted just and reasonable amount as compensation. There are no

circumstances to vary the same and ultimately prayed to dismiss the appeal.

5. It is not in dispute that the deceased-Vasanth, who was aged 1½ years as on the date of accident, died in an accident that occurred on 12.07.2003 due to the rash and negligent driving of the driver of the Tata Sumo bearing registration No.AP-03-F-1569. So, the only dispute is with regard to the assessment and grant of compensation to the appellants-claimants.

6. Admittedly the deceased was a 1½ old baby girl as on the date of the accident and she succumbed to the injuries on the spot. Had the deceased been alive, she would have definitely supported her parents. Sudden death of the deceased would certainly cause grief, sorrow and irreparable damage to the claimants. Human life cannot be gauged in terms of monetary compensation. The appellants-claimants are claiming only Rs.1,25,000/- towards compensation. If the relevant factors are taken into consideration in assessing and calculating the compensation payable to the appellants-claimants, certainly the appellants-claimants are entitled for Rs.1,25,000/- as claimed. Therefore, grant of compensation of Rs.71,000/- by the Tribunal is not just and reasonable in the facts and circumstances of the case. The appellants-claimants are entitled for a compensation of Rs.1,25,000/- as claimed.

7. In the result, the appeal is allowed, modifying the order, dated 11.04.2005, passed by the Tribunal, enhancing the

compensation from Rs.71,000/- to Rs.1,25,000/- with interest at the rate of 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. The claimants shall share the amount equally. On deposit of the compensation, the appellants-claimants are permitted to withdraw the entire amount along with the accrued interest.

Miscellaneous Petitions pending, if any, shall stand closed.

No order as to costs.

Dr. SHAMEEM AKTHER, J

20th June, 2018
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