

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A. No.1958 of 2006

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 05.07.2006 in O.P.No.1004 of 2002 on the file of the Motor Accident Claims Tribunal-cum-District Judge, Adilabad (for short 'the Tribunal').

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

3. The learned counsel for appellants-claimants would contend that the age of the deceased was 13 years. The Tribunal granted compensation of Rs.75,000/-, which is meager and ultimately, prayed to enhance the same.

4. The learned Standing Counsel for the respondents-Insurance Company would contend that the Tribunal justified in granting the compensation and ultimately, prayed to dismiss the appeal.

5. In view of the submissions made by the learned counsel for both sides, the point that arises for determination is, whether the appellants are entitled for enhancement of compensation?

6. There is no dispute with regard to the death of the deceased-Durgam Rajesh in a motor accident that occurred on 26.10.2002 due to the rash and negligent driving of the driver of

van bearing No.AP25U 182. The only dispute is with regard to the quantum of compensation.

7. As per the evidence placed on record, the deceased was 13 years old. The Tribunal granted compensation of Rs.75,000/- against the claim of Rs.1,00,000/-. The grant of compensation of Rs.75,000/- by the Tribunal for the death of a minor boy, who is aged 13 years, is meager. The Tribunal ought to have granted Rs.1,00,000/- as claimed by the appellants. Under these circumstances, the appellants are entitled for a compensation of Rs.1,00,000/-.

8. In the result, the appeal is allowed modifying the order, dated 05.07.2006, passed by the Tribunal in O.P.No.1004 of 2002 enhancing the compensation from Rs.75,000/- to Rs.1,00,000/- with interest @ 7.5% per annum on the enhanced compensation from the date of petition till the date of deposit. On such deposit, the appellants are entitled to withdraw the enhanced amount along with the interest accrued thereon equally.

The Miscellaneous Petitions, if any, pending shall stand closed.

Dr. SHAMEEM AKTHER, J

Date : 24.09.2018
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