

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

C.M.A.NO.848 OF 2004

JUDGMENT:

This appeal is preferred by the Insurance Company challenging the quantum of compensation awarded in O.P.No.1044 of 2001 in favour of the legal representatives of the deceased in a motor accident that occurred on 19.4.2001.

The respondents 1 and 2 herein filed the said O.P. on the file of the III Additional Chief Judge, City Civil Court, Hyderabad stating that on 19.4.2001 when the 1st petitioner along with his wife/2nd petitioner and the deceased boy Sandeep were proceeding on a scooter bearing No.AP 28 E 4853, the lorry bearing No.TN 39H 1-29 drove by the driver in a rash and negligent manner, hit the scooter of the petitioners from behind, as a result of which, their son fell down from the Scooter. The petitioners sustained injuries while the minor son died on the spot. A case was registered in Crime No.100 of 2001 by Chandrayanagutta P.S. The 1st respondent is the owner of the lorry and the 2nd respondent before the Tribunal was its insurer. They claimed compensation of Rs.1,00,000/-. The Tribunal, on the basis of the evidence, held that the accident occurred due to rash and negligent driving of the driver of the lorry. The Tribunal noticed that the petitioners

have no chance of begetting any children since the 2nd petitioner underwent family planning operation as evidenced by Ex.A5 and accordingly, allowed the claim petition in toto by awarding an amount of Rs.1,00,000/- along with interest @ 6% p.a.

No cross objections were filed by the respondents.

In view of the various decision of the Hon'ble Supreme Court, awarding of compensation of Rs.1,00,000/- for the death of the minor son of the respondents 1 and 2, cannot be held to be on higher side and accordingly, this Court sees no point for allowing the appeal.

Accordingly, the appeal is dismissed confirming the award passed by the III Additional Chief Judge, City Civil Court, Hyderabad.

Pending miscellaneous petitions, if any, shall stand dismissed. No order as to costs.

A. RAMALINGESWARA RAO,J

Date: 10.4.2018

KPM