

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

M.A.C.M.A. No.975 OF 2011

JUDGMENT:

This appeal is filed by the appellants-claimants aggrieved by the Order and Decree dated 27.09.2010 passed in O.P.No.794 of 2009 by the Motor Accidents Claims Tribunal-cum-III Additional Chief Judge, City Civil Court at Hyderabad (for short, the Tribunal).

2. The brief facts of the case are that appellant No.1 is the mother and appellant No.2 is the father of the deceased, P.Shresta. On 01.03.2009 at 5.00 pm., while the deceased and others were proceeding in a car, and when they reached near Haldivagu Bridge, N.H.No.7 in the village outskirts of Islampur, the driver of Tata Goods Carrier bearing No.AP28W 3706, drove it in a rash and negligent manner with high speed, and dashed the car of the deceased. In the said accident, the deceased died on the spot. The claimants filed aforesaid MVOP claiming compensation of Rs.2,25,000/-.

3. Before the Tribunal, the first respondent (owner of the vehicle) remained *ex parte*. The second respondent (insurer of the vehicle) filed its counter denying the averments of the claim petition and contended that the amount claimed is excessive and prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal came to the conclusion that the accident

occurred due to the rash and negligent driving of the driver of the Tata Goods Carrier and awarded total compensation of Rs.1,50,000/- with interest @ 7.5% per annum. Dissatisfied with the quantum of compensation, the appellants filed the present appeal, seeking enhancement of the same.

5. Heard.

6. As the deceased was a minor girl aged about 4 years, the Tribunal, by following the judgments of the Apex Court in **Manju Devi Vs. Musafir Paswan**¹ and **Samar Singh Vs. V.N.Shukla**², has granted compensation of Rs.1,50,000/-. In the facts and circumstances of the case, after hearing both sides, this Court feels that it would be just and proper to enhance the compensation from Rs.1,50,000/- to Rs.2,25,000/-.

7. In the result, the Motor Accident Civil Miscellaneous Appeal is allowed by enhancing the compensation amount awarded by the Tribunal from Rs.1,50,000/- to Rs.2,25,000/-. The enhanced amount shall carry interest @ 7.5% per annum. Miscellaneous petitions pending, if any, shall stand closed. No costs.

T.AMARNATH GOUD, J

Date: 13.06.2019
TJMR

¹ 2005 ACJ 99

² 2008 ACJ 1814