

(1993) 09 AP CK 0004
In the Andhra Pradesh High Court

Narasingoju Shanmukha Chary and Another	APPELLANT
Vs	
Nirma Sampath Kumar and Others	RESPONDENT

Date of Decision : 17-09-1993

Acts Referred:

Citation : (1994) 1 ACC 214

Hon'ble Judges : Radhakrishna Rao, J

Bench : Single Bench

Judgement

Radhakrishna Rao, J.—This is an appeal preferred by the claimants having been aggrieved by the judgment dated 20.1.1987 passed by the Motor Accidents Claims Tribunal, Nalgonda in OP 373/85 granting a compensation of Rs. 15,000/-. Their grievance is that it is meagre and they pray for enhancement of the same.

2. The deceased Bhanu Prakash, a young promising boy aged 8 years, died in a motor accident. There is no dispute with regard to the accident and the liability of the respondents for the compensation payable to the claimants. The only thing to be considered is the quantum of compensation. The lower Tribunal awarded a total compensation of Rs. 15,000/- as against the claim of Rs. 40,000/-. Even under "No fault liability" irrespective of the age of the deceased, the compensation payable is Rs. 15,000/-. The lower Court has not taken into consideration the loss suffered by the parents on account of the premature death of their son aged 8 years. In Anjamuri Zeorge and Others Vs. Gudala Rama Nageswara Rao and Another, this Court observed that as we are granting Rs. 15000/- under "no fault liability" clause irrespective of the age of the deceased, this Court feels that over and above five years of age, if the table of the multiplier cannot be applied, for every one year an amount of Rs. 1,000/- can be granted to the parents in addition to the compensation of Rs. 15,000/- under "no fault liability". If this principle is adopted, the deceased being aged 8 years, the petitioners are entitled to Rs. 3,000/- more in addition to Rs. 15,000/-. Accordingly, I hold that the claimants are entitled to a total compensation of Rs.

18,000/-. The claimants are also entitled to interest at the rate of 12% p.a. on the amount of enhancement granted by this Court (i.e., on Rs. 3,000/- only) from the date of filing of the appeal till the date of deposit. It is needless to state that the interest of 9% granted by the lower Tribunal on the original compensation of Rs. 15,000/- shall stand.

The C.M.A. is partly allowed. No costs.