SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com

Chinta Thirupathaiah and anr. Vs. E. Bhadraiah and ors.

Chinta Thirupathaiah and anr. Vs. E. Bhadraiah and ors.

SooperKanoon Citation : sooperkanoon.com/436759

Court : Andhra Pradesh

Decided On : Apr-23-1993

Reported in : 1993(2)ALT562

Judge : Radhakrishna Rao, J.

Acts : Motor Vehicles Act, 1939 - Sections 110A and 110D

Appeal No. : Appeal Against Order No. 298 of 1991

Appellant : Chinta Thirupathaiah and anr.

Respondent : E. Bhadraiah and ors.

Advocate for Def. : K.V. Ramana Rao, Adv. for Respondent No. 2

Advocate for Pet/Ap. : K. Ananth Rao, Adv.

Disposition : Appeal allowed

Judgement :

Radhakrishna Rao, J.

1. This appeal is filed against the order and decree dt.29-8-1985 in M.A.T.O.P.No. 64 of 1984. On the file of the District Judge and Motor Accident Claims Tribunal, Khammam.

2. The appellants/claimants, parents of the deceased Chinta Venkateswara Rao, filed M.A.T.O.P.No. 64 of 1984, claiming compensation for the death of the deceased in a motor accident occurred on 9-2-1985 at about 9-00 a.m. near Gogupaka village due to the rash and negligent driving of the driver of the vehicle - Tractor and Trailor bearing Nos. 3949 and 3950 respectively. The learned Judge on appreciation of the material and evidence available on record, awarded a total compensation of Rs. 17,000/- Rs. 15,000/- for general damages and Rs. 2,000/- for mental agony and pain with interest at 6% per annum. Aggrieved by the said award the appellants/claimants filed the present appeal.

3. The learned counsel for the appellants/claimants contends that, the compensation awarded by the Tribunal is meagre and not based on sound reasoning, therefore, seeks for enhancement of the compensation.

4. It cannot be said that a boy aged 18 years studying 8th class could not be able to contribute anything for his family. Further, the deceased in this case belongs to labour class. Therefore, in my view, the amount of compensation needs enhancement. Accordingly, the amount of compensation is enhanced from Rs. 17,000/- to Rs. 25,000/- Rs. 23,000/- for general damages and Rs. 2,000 /- for mental agony and pain. The rate of interest is also enhanced from 6% to 12%.

5. The appeal is accordingly allowed. No costs.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com