

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.04.2015

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

C.M.A.No.822 of 2015

Minor Ranjith Kumar
Rep.by his father Bhaskar as
next friend and natural guardian

... Appellant/Petitioner

vs.

1. P.Soundararajan
(1st respondent remained exparte
before the tribunal)

2.United India Insurance Company Limited,
No.134, Silingi Buildings, 4th floor,
Greams Road, Chennai - 600 006. ... Respondents / Respondents

Civil Miscellaneous Appeal has been filed under Section 173
of Motor Vehicles Act against the judgment and decree dated
17.03.2014 made in MACTOP No.1798 of 2012 on the file of the Motor
Accident Claims Tribunal (In the Court of VI Small Causes), Chennai.

For Appellant : Mr.F.Terry Chellaraja
For Respondent : Mrs.R.Srividhya for
Mr.R.Ravichandran for R2

JUDGMENT

The appellant/claimant has preferred the present appeal
aggrieved over the quantum of compensation awarded by the tribunal
for the injuries sustained in the accident occurred on 29.03.2012.

2. Heard Mr.F.Terry Chellaraja, learned counsel appearing
for the appellant and Mrs.R.Srividhya, learned counsel appearing for
the 2nd respondent.

3. The only question to be decided by this court is the
quantum of compensation awarded by the tribunal. The claimant was
aged 4 years old at the time of accident and he sustained head
injury, blunt injury abrasion about 2 x 2 cm on nose, scalp left
side, right knee and left illiac bone region. P.W.2, doctor
assessed the disability at 25%. However, the tribunal fixed 15%
disability and awarded a sum of Rs.30,000/- towards disability.
Rs.25,000/- has been awarded towards transportation, extra

nourishment and damages, Rs.25,000/- towards pain & sufferings, Rs.5,000/- towards loss of amenities and Rs.10,000/- towards medical expenses , in all amounting to Rs.95,000/-.

4. It is evident from the records that originally, the claimant was admitted in Govt. General Hospital, Chennai and thereafter to Xcellent Care Super Speciality Hospital, Chennai and finally to Royapettah Govt. Hospital, Chennai. The learned counsel for the appellant pointed out that following the judgment of the Honourable Apex Court rendered in Master Mallikarjun V. Divisional Manager, National Insurance Company Limited reported in 2013 2 TN MAC 338 (SC), children who sustain disability from 10 to 30% are to be awarded a sum of Rs.3,00,000/- as compensation. However, the same was opposed by the learned counsel for the 2nd respondent/insurance company.

5. A perusal of the records would reveal that the minor claimant had sustained 15% disability. Relying upon the above said judgment of the Hon'ble Apex Court in Master Mallikarjun's case, cited supra, this Court awards a sum of RS.3,00,000/- as compensation in toto, under all heads alongwith interest @ 7.5% per annum from the date of petition till the date of deposit.

6. In the result, the Civil Miscellaneous Appeal is partly allowed. No costs.

7. The 2nd respondent/insurance company is directed to deposit the enhanced compensation alongwith interest at the rate of 7.5% from the date of petition till the date of deposit, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the tribunal is directed to deposit the same in Indian Bank, High Court Branch, Chennai, in a interest bearing Fixed Deposit, till the claimant attains majority. The father of the minor claimant is permitted to withdraw the interest accrued on the deposit, once in two months.

8. The learned counsel for the appellant/claimant is directed to pay the requisite court fee for the enhanced compensation within a period of ten days from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

rgr

To

1.The VI Judge,
Motor Accident Claims Tribunal,
Court of Small Causes,
Chennai.

2.United India Insurance Company Ltd.,
No.134,Silingi Buildings, 4th floor,
Greens Road, Chennai - 600 006.

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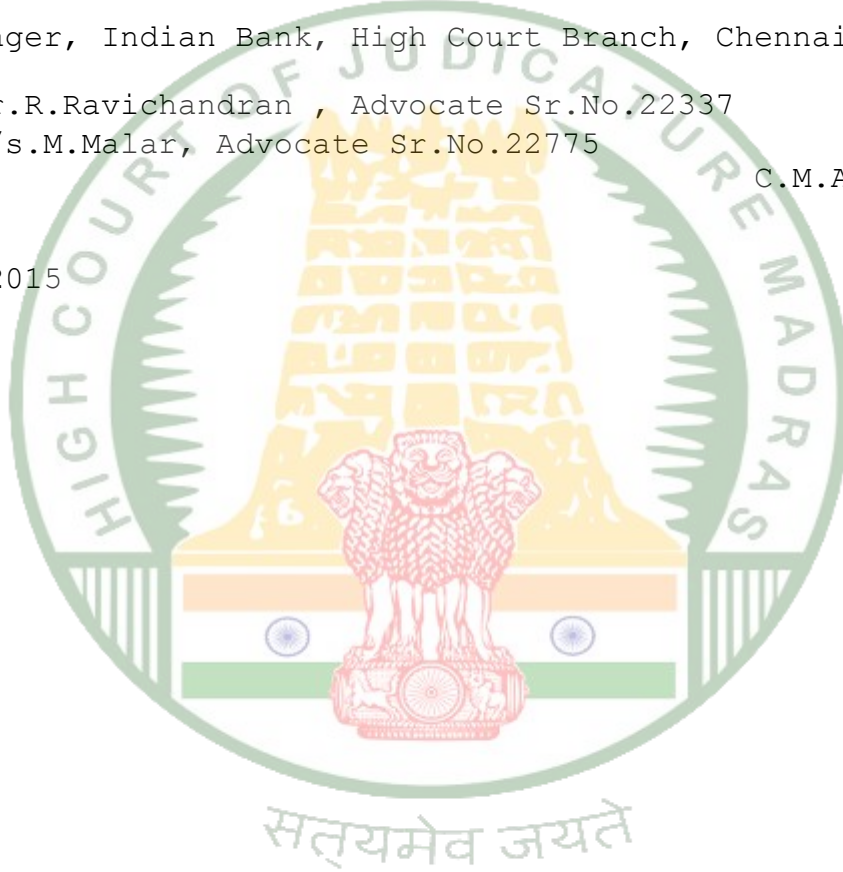
1.The Manager, Indian Bank, High Court Branch, Chennai.

1 cc to Mr.R.Ravichandran , Advocate Sr.No.22337

1 cc to M/s.M.Malar, Advocate Sr.No.22775

C.M.A.No.822 of 2015

rsk(co)
pmk.30.6.2015



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