

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:3.2.2015

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

CMA.No.1080 of 2009

J.Shyam,
Minor rep. By Father and Next Friend
G.John,
No.27, Second Block,
Housing Board,
Sathyamoorthy Nagar,
Vyasarpadi,
Chennai 600 039. ... Appellant/ Claimant

Versus

1.M/s.Sri Chakra Traders,
No.114, Thambu Chetty Street,
Chennai-600 001.
2.The New India Assurance Co.Ltd.,
No.45, Moore Street,
Chennai-600 001. ... Respondents/ Respondents

This civil Miscellaneous appeal is filed under Section 173 of the Motor Vehicles Act 1988 against the common judgment and decree in O.P.No.2568 of 2002 dated 21.01.2008 on the file of the VI Judge, Small Causes Court, (Motor Accidents Claims Tribunal), Chennai.

For Appellant : Mr.A.Shanmugaraj

For Respondents : Mr.Neethi Perumal for R2

J U D G E M E N T

The appeal has been preferred by the claimant against the award of Rs.75,000/- granted as compensation for the injuries sustained by him in the accident which occurred on 22.11.2001.

2. Heard Mr.A.Shanmugaraj, learned counsel appearing for the appellant and Mr.R.Neethi Perumal, learned counsel appearing for the second respondent.

3. The claim petition has been filed under Section 163-A of the Motor Vehicles Act 1988 and therefore, there is no other issue in the appeal except quantum aspect. The Tribunal taking into consideration of Pws.2 and 3, Doctor's evidence regarding fracture in the right leg and loss of teeth and facial dis-figuration to the claimant, determined the disability at 50% and awarded a sum of Rs.50,000/-. Including other amounts a sum of Rs.75,000/- was awarded towards compensation.

4. A scrutiny of the award would disclose that the disability sustained by the claimant should be 40%. However Pws.2 and 3 Doctors deposed 20% and 30% disability respectively. This court awards a sum of Rs.2000/- per one percentage of disability and a sum of Rs.80,000/- is awarded towards disability. Towards pain and suffering a sum of Rs.20,000/- was awarded and the same is inadequate. As the appellant is a minor and he should have undergone much pain due to the injury, the same is enhanced to Rs.30,000/-. No amount was awarded towards extra nourishment. Therefore Rs.20,000/- is awarded. Similarly towards Transportation Rs.10,000/- is awarded. A sum of Rs.5,000/- awarded towards attender charges is confirmed. For the loss of amenities a sum of Rs.5,000/- is awarded. Totally a sum of Rs.1,50,000/- is awarded. The rate of interest 9% awarded by the Tribunal is confirmed. For the enhanced amount 7.5% interest is applicable. The second respondent is directed to deposit the entire enhanced award amount along with interest and costs within four weeks and on such deposit, the appellant is permitted to withdraw the entire enhanced award amount. The appeal is partly allowed. No costs.

Sd/-

Asst.Registrar (AD I)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

vk

To

The VI Judge,
Small Causes Court,
(Motor Accidents Claims Tribunal), Chennai.

WEB COPY

Copy to

The Section Officer
VR Section,
High Court, Madras

1 cc to Mr.A. Shanmugaraj, Advocate, sr. 5676

1 cc to Mr.R. Neethi Perumal, Advocate, SR. 5683

C.M.A.No.1080 of 2009

SV (CO)
kk 26/2



WEB COPY