

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2015

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

S.A.No.631 of 2015

and

M.P.No.1 of 2015

1. The Head Master
Panchayat Union Primary School,
Kulamanikkam,
Mannargudi Taluk and Munsif
2. The Assistant Primary Educational Officer,
The Assistant Primary Educational Office,
Kottur Village,
Mannargudi Taluk and Munsif.
3. The Commissioner
Panchayat Union,
Kottur Village,
Mannargudi Taluk and Munsif
4. The District Primary Educational Officer,
Tiruvarur, Tiruvarur Town and Munsif.
5. The State rep by District Collector,
Collector Office Buildings,
Tiruvarur Town, Tiruvarur Taluk and Munsif
Mannargudi Taluk and Munsif ... Appellants/Defendent

सत्यमेव जयते
Vs.

Minor Aruldoss,
Rep. through his father and guardian Selvam,
residing at South Street,
Kulamanickam ... Respondent/plaintiff

Prayer:- This Second Appeal has been filed under Section 100 of Civil Procedure Code against the Judgment and decree dated 17.04.2013 made in A.S.No.15 of 2011 on the file of the District and Sessions Judge, Tiruvarur, confirming the judgment and decree dated 20.10.2010 made in O.S.No.65 of 2009 on the file of Sub Court, Mannargudi.

For Appellants

: Mr.T.Jayaramaraj
Government Advocate(CS)

J U D G M E N T

The second appeal is filed by the defendants, who had suffered a decree for payment of money of compensation in a suit filed by the plaintiff claiming compensation for the injuries suffered by him on account of the negligence of the defendants.

2. The plaintiff, who is the minor child, was a fourth standard student studying in the first defendant's school when he met with an accident on 06.06.2008. When the child was playing in the school campus during the working hours of the school, the closed iron gate with pillar weighing one Ton, collapsed, and fell on the plaintiff and he sustained serious injury on the hip region, resulting in affecting his kidney. The plaintiff was admitted in the hospital as inpatient and treatment was given to him and he was discharged without recovery of health with permanent disability. The father of the minor plaintiff being agricultural cooli had made a claim of Rs.5,00,000 as compensation for medical expenses, for which, the trial Court had granted Rs.3,50,000/- with 6% interest. Aggrieved by the same, the defendants who are the appellants herein had preferred an appeal in A.S.No.15 of 2011 in lower appellate Court.

3. After considering the facts and evidence, it was held that the injury was sustained due to the negligence of the defendants/appellants. This being a vicarious liability, the defendants were held liable for culpable negligence. Though the defendants disputed the suit claim vehemently, the school authorities are responsible for the safety of the students and having failed to maintain the school iron gate and the pillar holding it, they are negligent in performance of their duties. The school being run by the Panchayat Union, the State is vicariously liable to pay the compensation to the father of the injured minor child. It is also open to the State to hit their right to be indemnified by taking any such action that may be available to it against the wrong doer in accordance with law through appropriate proceedings. However, in this case, the compensation was reduced by the lower appellate Court to Rs.1,13,700/- with 6% interest, based on the Disability Certificate and on the other heads namely, pain and sufferings, lost of enjoyment, amenities of life, etc.

4. Where innocent children go to school, the State should take every step to ensure their safety in schools by periodically checking the strength of the building or any other structure that may endanger life of the children. There can be no dispute that in this case that the School authorities failed to see that the gate and iron pillar were not constructed and erected properly and allowed it to remain like that, which caused risk to the life of the children. As the School authorities have not been careful enough to see that the iron gate with pillar were not properly maintained, the Court feels that there can be least doubt that the School authorities were not vigilant to their duties and that they

should be held for the liability for the lack of care on the part of the School authorities.

5. In view of the above reasoning, the compensation granted by the lower appellate Court is confirmed and the Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-Sd/-
Assistant Registrar

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Sub Assistant Registrar

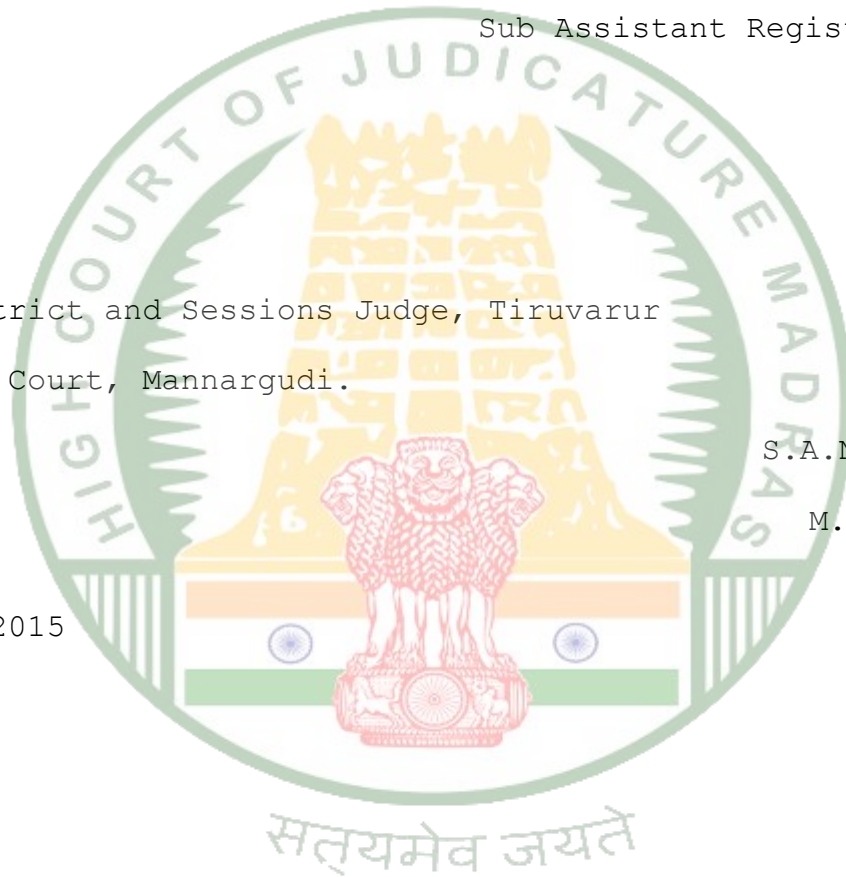
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To

- 1.The District and Sessions Judge, Tiruvarur
- 2.The Sub Court, Mannargudi.

S.A.No.631 of 2015
and
M.P.No.1 of 2015

Kv (co)
cp 07/10/2015



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